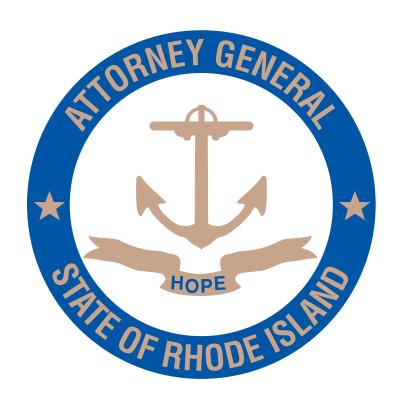
STATE OF RHODE ISLAND OFFICE OF ATTORNEY GENERAL 2011 ANNUAL REPORT



PETER F. KILMARTIN ATTORNEY GENERAL

150 SOUTH MAIN STREET PROVIDENCE, RI 02903 (401) 274-4400 www.riag.ri.gov The Attorney General of Rhode Island is the attorney and advocate for the people of the State of Rhode Island. Whether prosecuting a criminal case, defending the State in a civil forum, representing the public in a regulatory function, or serving as an advisor, the Office exerts every effort to serve justice and the public interest within the confines of our adversary system.

All employees discharge the privilege and honor of public service in this Office by:

- o upholding the Constitution and laws of the United States and of Rhode Island;
- o treating all persons with dignity, respect and fairness;
- o serving the people of this State with excellence and integrity; and
- o protecting the public interest and safety.



To the Citizens of the State of Rhode Island,

One of the key tenets of the Office of Attorney General is "protecting the public interest and safety." Not a day has gone by that I am not reminded of the tremendous responsibility the people of Rhode Island have given me to protect our common interests. It is my mission and priority to provide the citizens of Rhode Island with the very best possible legal representation no matter their circumstances, to defend the state in civil matters and to apply the law evenly, without fear or favor.

Over the past year, the Office of Attorney General zealously advocated to protect Rhode Island families. We proposed legislation to eliminate early release for the most violent criminals. We formed a specialized Child Abuse Unit to prosecute cases of physical and sexual abuse against minors so that our most helpless residents – our children – may have a stronger voice.

The Office worked with law enforcement to crack down on drunk and distracted driving to make our roads safer. We reached out to thousands of students through the Zero Fatalities program and partnered with the Ad Council with the "Stop the texts. Stop the wrecks." public safety campaign.

We worked to shut down fraudulent mortgage modification companies and conducted a statewide sweep of contractors who refused to comply with state regulations. We also worked to protect our communities with our participation in the Secure Communities program.

We also settled with major drug and healthcare organizations for overcharging Medicaid or making false claims, returning millions of dollars to the State.

We accomplished a great deal in 2011 but there is still more work to be done. The success of the Office is a credit to its more than 200 hard-working, talented employees. Each day, our staff works tirelessly to bring justice for victims, advocate on behalf of Rhode Island citizens and uphold the laws of this State.

Over the next year, I look forward to continuing to work to make Rhode Island a better, safer place. It is my honor and privilege to serve as our Attorney General.

Sincerely

Peter F. Kilmartin Attorney General

Kilmartin

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2011 Highlights

Protecting Children

To address the special issues associated with crimes against children, Attorney General Kilmartin created the Child Abuse Unit to prosecute individuals charged with physical and sexual abuse of minors. The abuse of a child, either physical or sexual, is among the most devastating of crimes. Through their criminal acts, offenders can inflict severe physical, emotional and psychological trauma on their victims. The effects can be long-lasting; the healing process can be an arduous one. These victims are the least likely to be able to stop crimes from being committed



against them, report crimes to law enforcement or have the specialized support that they need to get through the legal process.

The Child Abuse Unit is comprised of seasoned prosecutors, victim advocates and support staff, all trained to handle the emotional and psychological effects associated with physical and sexual abuse of children. The attorneys and staff in this unit share both a desire and a commitment to help victims survive the crimes committed against them and to empower them to be involved in the process of punishing the perpetrator of the crime.

In 2011, the Office charged 40 individuals with child molestation and 34 individuals with child abuse or neglect. These figures do not include individuals charged in cases where the child died as a result of the abuse.

The Child Abuse Unit expands upon what the Office already had in place to help our children, improves the way the Office prosecutes cases and holds the perpetrators of these most egregious acts accountable.

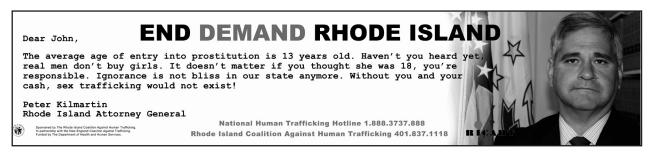
In 2011, the Office prosecuted the first human trafficking case under the statute passed in 2008. In April, Andrew Fakhoury, formerly of Yonkers, NY, plead nolo contendere to three counts of human trafficking, three counts of pandering and two counts of conspiracy to commit human trafficking. Fakhoury was sentenced to 20 years, with 10 years to serve and 10 years suspended with probation.

The prostitution ring originated in Yonkers, NY, where Fakhoury targeted young, vulnerable women. Fakhoury manipulated and intimidated these women using psychological and physical abuse to force them to perform sexual acts for money. The women were posted on Craig's List and other websites that are known for adult content and prostitution.

According to statistics from the Rhode Island Coalition Against Human Trafficking, the average age of entry into prostitution is 13 years old, with pimps preying upon their young victims within 48 hours of a child running away from home. There are unique challenges to dealing with victims of human trafficking. Attorney General Kilmartin called for training of law enforcement and victim

services advocates to improve how they work with the victims and to ensure that victims are safe from their traffickers.

Nationally, Attorney General Kilmartin joined fellow attorneys general to urge Congress to fund a series of authorized programs to fight the growing problem of human trafficking and slavery and support four provisions in S. 1572 and H.R. 2596, which provide funding related to human trafficking programs.



Attorney General Kilmartin also joined with the Rhode Island Coalition Against Human Trafficking to support a new RIPTA bus advertising campaign aimed at ending the demand for human trafficking in Rhode Island. The End Demand Rhode Island Campaign recognizes that the horrific human rights violation of sex trafficking will only end when the demand has been abolished.

Protecting Those Who Protect Our Freedoms

The impact of military service on veterans can be immense and long-lasting. Many returning veterans cope with serious issues such as alcohol and substance abuse, mental illness, homelessness, unemployment and strained relationships. With the increase of veterans suffering from these issues in our criminal justice system, there is a need to develop innovative ways of working to address their needs.



One of Attorney General Kilmartin's priorities in office has been the creation of a Veterans Court in Rhode Island. Along with Rhode Island District Court Chief Judge Jeanne E. LaFazia, Kilmartin is committed to make the state's initiative for this unique court program a reality.

Each year, hundreds of Rhode Islanders serve in our nation's military combat zones. Post-traumatic stress disorder is a real issue for veterans. For many, the transition home is difficult and can result in bad choices that put them in conflict with the law. Attorney General Kilmartin believes it is incumbent upon us to provide a legal system that does not penalize our veterans, but rather provides access to treatment necessary to transition them back to their families, their jobs and their community.

The Veterans Court provides qualified veterans and active military persons suffering from PTSD or other service-related issues with wrap-around services through the court, with the ultimate goal of providing the veteran/active military person the tools necessary to lead a productive and law-abiding lifestyle.

Rhode Island's pilot program in the Third Division District Court in Kent County is funded through a grant from the federal Substance Abuse and Mental Health Services Administration in partnership with the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals and the Kent Center in Warwick.

Protecting Consumers

Cracking Down on Bad Contractors

A person's home is often their largest and most important investment. Homeowners put their trust and hard-earned money into the hands of contractors. They expect to be treated fairly and they expect the work to be completed safely and legally. It can be devastating to the homeowner when a contractor does shoddy work, or worse, takes the money but does not perform any service.



The vast majority of contractors are honest and hard-working. It is rogue individuals who give the industry a bad name. Dishonest contractors ignore their legal and moral responsibilities, leaving the homeowner on the hook. Attorney General Kilmartin does not tolerate contractors who flout their responsibilities to the homeowner and to the State of Rhode Island. The Office of Attorney General, in partnership with the Contractors' Registration and Licensing Board (CRLB), has cracked down on and will continue to go after contractors who show little integrity and respect toward their work or their customers and who continue to disregard the findings of the CRLB.

While the CRLB is the administrative agency through which complaints involving homeowners and contractors are heard and resolved, the Office of Attorney General serves as the legal advisor to the CRLB and takes an active role in the prosecution of contractors before the Courts, resulting in the collection and disbursement of monies to homeowners if and when a contractor ignores a final order from the CRLB.

Under Rhode Island General Law §5-65-19, a person violating a final order of the board or who acts as a contractor without a valid certificate of registration may be deemed guilty of a misdemeanor. The Office of Attorney General's Criminal Division handles prosecutions in Rhode Island District Court for violations of the board's final orders.

In 2011, the Office, in partnership with the CRLB, affected the arrest or surrender of 13 contractors who refused to comply with the findings of the CRLB and who avoided facing criminal charges, and pursued charges against 38 contractors, securing court-ordered restitution of \$212,260.

Cracking Down on Fraudulent Mortgage Modification Companies

The housing crisis continues to affect many thousands of Rhode Island homeowners, and there are those who take advantage of homeowners struggling to pay their mortgages each month.

As a result of complaints received by the Consumer Protection Unit, the Office conducted investigations into multiple individuals and businesses presenting themselves as mortgage modification specialists who promised to help homeowners stave off foreclosure in exchange for upfront fees.

In 2011, Attorney General Kilmartin shut down five fraudulent mortgage modification consultants and secured \$19,748 in restitution for homeowners.



Rhode Islanders should never pay upfront fees for help avoiding foreclosure. Under the Mortgage Foreclosure Consultant Regulation Act, it is illegal for companies to charge any fees, whatsoever, for foreclosure assistance until they receive all the services for which they paid.

Continuing to assist homeowners who are in jeopardy of losing their home, the Office of Attorney General has partnered with the Loan Modification

Scam Alert Campaign to educate homeowners of their rights and available resources, and to host free information sessions on foreclosure prevention, loan modification programs, as well as scam deterrence for consumers and connected homeowners, with HUD-approved counseling agencies at the event

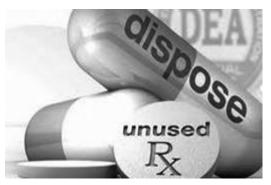
Protecting Against Identity Theft

The old adage of "one person's trash is another person's treasure" rings true for identity thieves. Scam artists know a great place to obtain confidential information about you is from your trash. Too many consumers simply toss old bills, receipts, or other documents that contain identifying information into the garbage. It is important to completely rid papers of personal or identifying information before tossing them in the trash. The best way to do that is through shredding.

To recognize National Consumer Protection Week, the Office of Attorney General teamed up with Doc Shredding Corp. to provide free shredding services for Rhode Islanders throughout the state. In addition, the Office educated consumers throughout the week – and throughout the year – on how best to protect themselves from being a victim of identity theft or a scam artist. The shred-a-thons were wildly successful and in response to constituent turnout, the program was expanded in 2012.

Protecting Families

The Growing Dangers of Prescription Drugs



Prescription drug abuse is quickly becoming a major epidemic in Rhode Island and across the nation. According to the Centers for Disease Control, more Rhode Islanders die from accidental prescription drug overdose than any other cause of death. And the number of individuals - especially teenagers - who abuse prescription medication is growing. To combat this growing problem, the Office of Attorney General teamed up with the federal Drug Enforcement Administration, the Rhode Island State Police and local law enforcement agencies to hold "Prescription Drug Take Back" events across the State.

This initiative addresses a vital public safety and health issue. Medicines that languish in home cabinets are highly susceptible to diversion, misuse and abuse. Rates of prescription drug abuse in the U.S. are alarmingly high, as are the number of accidental poisonings and overdoses due to these drugs. Studies show that a majority of abused prescription drugs are obtained from family and friends, particularly from the home medicine cabinet. In addition, Americans are now advised that their usual methods for disposing of unused medicines — flushing them down the toilet or throwing them in the trash — pose potential safety and health hazards.

The Prescription Drug Take Back Days occurred in April and October. Rhode Islanders responded on those two days and turned in more than 3,100 pounds of outdated and unused prescription medications.

Last year, as a result of an investigation by the FDA's Office of Criminal Investigations Rhode Island Task Force, of which the Office is an active member, it was revealed that as early as 2003, Google was on notice that online Canadian pharmacies were advertising prescription drugs to Google users in the United States through Google's AdWords advertising program. Although Google took steps to block pharmacies in countries other than Canada from advertising in the U.S. through AdWords, they continued to allow Canadian pharmacy advertisers to target consumers in the United States.

Under the terms of an agreement signed by Google and the U.S. Government, Google acknowledged that it improperly assisted Canadian online pharmacies to run advertisements that targeted American consumers through AdWords, and the company accept responsibility for this conduct. In addition to requiring Google to forfeit \$500 million dollars, the agreement set forth a number of compliance and reporting measures that Google must make in order to ensure that the conduct described in the agreement does not occur in the future.

Internet Safety

It is indisputable that we live in a world dominated by the Internet and technology. As a result, children and teens can put themselves in dangerous situations online and not even know it. The Office of Attorney General has made Internet safety a priority and submitted legislation to ensure

that our criminal laws keep up with the rapid pace of technology. During the 2011 legislative session, Attorney General Kilmartin's "sexting" legislation became law, protecting teens and children from those who spread sexually explicit images via cell phones or the Internet.

Attorney General Kilmartin also partnered with Futures Without Violence to bring awareness to the dangers of teen domestic violence with the "That's Not Cool" and "HKUPWithRespect" campaigns to help teens recognize and prevent domestic violence



Dating, domestic and sexual violence affect people of all ages, but teens are especially vulnerable as they are just starting to date. Recent statistics show that one in three young people experience some form of dating abuse and that one in three teens knows someone who has been hit, slapped, punched, kicked or physically harmed by a partner. Physical abuse is usually the most obvious form of abuse, but dating abuse can also be emotional and psychological.



And, in today's increasingly technology-based society, a newer form of abuse has emerged: digital dating abuse. It can include unwanted, repeated calls or text messages, breaking into email or social networking accounts, or being pressured to send private or embarrassing pictures or videos.

Kids are blogging, instant messaging and texting and abusers are able to use that technology for harassment. Over 80 percent of teens age 15-17 now have a cell phone and 70 percent use social media sites. Since these technologies are so new, many parents are totally unaware of the prevalence of digital abuse.

One in four teens in a relationship say they have been called names, harassed or put down by their partner through cell phones and texting. Thirty percent of teens have been text messaged 10, 20 or 30 times an hour by a partner wanting to know where they are, what they're doing or who they are with. Sixty-eight percent of teens say that boyfriends/girlfriends sharing private or embarrassing photos/videos on cell phones and computers are a serious problem.

Attorney General Kilmartin believes that it is important for young people to understand the difference between affection and obsession, and that no one – regardless of age or gender – should be subject to abuse. Teens often don't realize that abuse isn't always physical. Pressuring for risqué photographs, excessive and unwanted text messages, hacking into email or social media accounts – these are all forms of abuse. Through education and awareness, the Attorney General believes we can work together to break the cycle of violence, which all too often leads to tragic consequences.

Protecting the State

As the chief legal counsel for the State of Rhode Island, one of the responsibilities of the Office is to defend the State against civil claims. The attorneys in the Civil Division represent the Executive Branch, the Courts and each state agency. In 2011, the Office represented the State in civil lawsuits where complainants sought more than \$100 million in damages.



Two cases in particular deserve note. A Newport County Superior Court jury found in favor of the State of Rhode Island in the personal injury case Simcha Berman v. State of Rhode Island, et al. The plaintiffs were seeking damages in excess of \$30 million against the State related to an injury Mr. Berman suffered in 2000 when visiting Newport's Cliff Walk. The jury found that the plaintiff had not proven that the State of Rhode Island was negligent in its responsibilities regarding Cliff Walk.

In June, the Office successfully defended the State in the personal injury case Roy v. State of Rhode Island, DEM, et al. The plaintiffs were seeking damages in excess of \$40 million against the State and the Department of Environmental Management related to the injury Mr. Roy suffered in 2008 when he dove into a pond located at the World War II Memorial State Park in Woonsocket. The jury found that the plaintiff had not proven that the State of Rhode Island was liable for his injuries.

In both instances, the State predicated its defense on the Rhode Island Recreational Use Statute (RIGL 32-6-3), which states that an owner of land who either directly or indirectly invites or permits without charge any person to use that property for recreational purposes does not thereby: extend any assurance that the premises are safe for any purpose; confer upon that person the legal status of an invitee or licensee to whom a duty of care is owed; nor assume responsibility for or incur liability for any injury to any person or property caused by an act of omission of that person. The Office of Attorney General continues to oppose efforts in the General Assembly to weaken this statute.

The verdicts saved the State more than \$70 million in damages and avoided changing the way the public enjoys the State's public parks.

Protecting taxpayers

Medicaid Fraud/Pharmaceutical settlements

With Medicaid budgets comprising one of the largest portions of our state budget, and only increasing, it is critical to monitor pharmaceutical companies to ensure taxpayer dollars are being spent properly.

The prosecutors and investigators who comprise the Medicaid Fraud and Patient Abuse Unit work closely with federal and state authorities to investigate pharmaceutical companies who overbill and de-fraud the State's Medicaid program. In 2011, the Unit returned \$1.16 million to the State's Medicaid program in a settlement agreements with pharmaceutical companies, including



\$562,910 settlement with CVS to resolve allegations that the company overcharged Medicaid for prescription drugs.

In addition, the Antitrust Unit, part of the Civil Division of the Office, works with state attorneys general and the federal government to investigate companies that violate federal antitrust laws and engage in deceptive trade practices. In 2011, the Office secured \$2.1 million in settlement funds, with the money going directly to the State of Rhode Island.

The Tobacco Settlement

In 1998, the State of Rhode Island was one of 52 states and territories (Settling States) that entered into the Master Settlement Agreement (MSA) with the major tobacco manufacturers. Pursuant to that agreement, each of the Manufacturers must make payments into an account that is distributed to the Settling States based upon a formula related to each state's respective shares.

A condition of the MSA allows for a reduction in payments by the Manufacturers if their market share drops by more than 2% nationally and if an independent auditor determines that the MSA was a significant factor in that drop. For year 2003, both of those conditions were met and the Manufacturers sought to recover over \$1.1 billion from the Settling States. Rhode Island's potential loss was approximately \$41 million.

Pursuant to the MSA, each Settling State could avoid a recovery from the Manufacturers if it enacted and "diligently enforced" a qualifying escrow statute by which it compelled tobacco manufacturers who are not parties to the MSA to make payments into escrow accounts that would approximate the charges required from the settling Manufacturers. The settling Manufacturers challenged all 52 Settling States' claims that they diligently enforced their statutes and sought to recover portions of the \$1.1 billion from all 52 Settling States.

Rhode Island, through the Office of Attorney General, vigorously contested the settling Manufacturers' claims and strongly asserted that it had both enacted the proper statute and had diligently enforced it in 2003 and in all other years. On November 3, 2011, the settling Manufacturers announced that Rhode Island was one of 16 Settling States it would no longer pursue for failing to diligently enforce its statute and, therefore, they would not seek recovery of any part of the \$41 million from Rhode Island.

Protecting our Neighborhoods

Implementing the Secure Communities Program

Immediately upon taking office, Attorney General Kilmartin signed a memorandum of understanding with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) to implement the federal Secure Communities program in Rhode Island.



The implementation of Secure Communities adds another level of security screening when offenders are arrested for committing crimes and makes neighborhoods safer and more secure. With the implementation of Secure Communities, federal authorities now run the fingerprints of those arrested for crimes through the Department of Homeland Security database. If a person has been previously convicted of a crime and is in the country illegally, ICE may decide whether an immigration detainer

is in order, given the severity of the crime and the suspect's criminal history. The more dangerous the person is deemed to be, the more likely that person will be a priority for immigration enforcement action.

Just as having access to the FBI database revolutionized information sharing among local, state and federal law enforcement agencies, Secure Communities continues to improve communication and cooperation with federal law enforcement partners.

Secure Communities simply gives law enforcement agencies another tool: in essence, an improved database. Any time law enforcement has greater access to information that will help identify individuals in custody, it helps them do their job of keeping our communities safe.

Leading the Charge to End "Time Off For Good Behavior"

The news that Michael Woodmansee would gain release from prison 12 years before the end of his imposed sentence shocked the public and called for a comprehensive review and changes to the State's "time off for good behavior" statute.

Attorney General Kilmartin submitted legislation to prohibit several offenses from being eligible for time off for good behavior, including murder; kidnapping of a minor; first, second and third degree sexual assault; first and second degree child molestation; child pornography and first degree child abuse.

In speaking at a hearing in support of the legislation, Attorney General Kilmartin said, "The time off for good behavior statute for those who commit egregious crimes was enacted in an era when we believed our communities were safe from monsters and predators. We have an obligation to continually look at the laws that are designed to protect our communities to ensure that they remain relevant in an ever-changing society."

Protecting Young Drivers

Attorney General Kilmartin teamed up with the National Association of Attorneys General and the Ad Council to develop and support the "Stop the Texts. Stop the Wrecks." campaign to educate young people on the dangers of distracted driving.



Eighty-two percent of young adult drivers ages 16-24 have read a text message while driving, according to a national survey conducted by the Ad Council. The National Highway Traffic Safety Administration (NHTSA) reports that distracted driving is the number one killer of American teens. Sixteen percent of all drivers younger than 20 involved in

fatal crashes were reported to have been distracted while driving. The Virginia Tech Transportation Institute reports that a texting driver is 23 times more likely to get into a crash than a non-texting driver.

As a former police officer, Attorney General Kilmartin has seen first-hand how deadly distracted driving can be. In fact, while working a construction site with visible heavy equipment he was nearly struck by a driver who didn't see him because the driver was on a cell phone. No text message or cell phone call is so important that it is worth risking your safety and that of others.

During his time in the Rhode Island Legislature, Attorney General Kilmartin was a major proponent of anti-texting while driving laws, successfully sponsoring new laws to ban texting while driving in the Ocean State.

Strengthening Drunk Driving Laws

As part of his 2011 legislative package, Attorney General Kilmartin proposed legislation that would considerably enhance the State's current drunk driving and reckless driving laws. First, the legislation would allow for discretionary ignition interlock for those who drive drunk or refuse to submit to a breathalyzer. Second, the Attorney General sought to enhance penalties for DUI death resulting and DUI serious bodily injury, while adding a new offense, DUI injury resulting. Third, the legislation would increase the "look back" period for subsequent DUI and refusal penalties for subsequent violation from the current five years to 10 years.

Protecting the Economy

In 2011, Attorney General Kilmartin created the Business Task Force to use the authority of the Office of Attorney General to ensure a level playing field for all businesses, to ensure that laws are equally applied and equally enforced, to review laws that may be an impediment to businesses, to make Rhode Island more competitive and to help existing businesses begin to grow and hire again by creating a fair, honest and predicable business climate.

The Task Force includes representatives from small, medium and large businesses and covers multiple business sectors including hospitality, insurance, finance, retail, renewable energy, medicine, manufacturing and labor. The Task Force identified its top priorities



as including public corruption, the underground economy, business fraud and streamlining regulatory requirements.

In 2012, the Task Force will develop a set of concrete recommendations and possible legislation to strengthen the Rhode Island economy and help make Rhode Island a more competitive place to do business.

Protecting the Public Trust

Transparency, accountability and participation are the building blocks to open government. It is the mission of the Office of Attorney General to encourage open government by facilitating adherence to the Open Meetings Act (OMA) and the Access to Public Records Act (APRA). To that end, Attorney

General Kilmartin hosted two Open Government Summits: the first in January for newly elected public officials, and a second in July to educate and inform public officials and the public about APRA and OMA.

The Summits provided an explanation of the statutory requirements of APRA and OMA, updated case law and legislative updates, and examples of frequent trouble areas. Also included was a presentation by the Rhode Island Ethics Commission on how to identify and avoid conflicts of interest under the Code of Ethics, as well as a discussion of guidelines for filing financial disclosure forms and presentations by news reporters to give the media's perspective of expectations for public bodies when requesting public information.



In total, more than 600 individuals attended the Open Government Summits, and for the first time the summer session was streamed live on the website of the Attorney General. The video and materials can still be downloaded from the website.

To improve the public's trust in its elected leaders, Attorney General Kilmartin submitted legislation that tackles public corruption and provides for greater authority to prosecute those who commit crimes against the public trust. The "Public Corruption" bill included provisions that make crimes against the public trust punishable by law, crack down on "pay-to-play schemes," enhance the ability to revoke pensions from corrupt public officials and codify into statute a Public Corruption and White Collar Crime Unit within the Office of the Attorney General.

Rhode Island lags behind other states in updating our public corruption laws and is hindered in the ability to prosecute those who violate the public's trust. Attorney General Kilmartin is dedicated to taking a broad approach to rooting out public corruption. In order to ensure that the Ocean State is protected from corrupt public officials, he pushed for this legislation to give state prosecutors tools to punish those who violate the public trust.

Celebrating Those Who Make A Difference

Each April during National Crime Victims' Rights Week, the Office of Attorney General has the opportunity to honor individuals and organizations that are committed to providing support and resources for victims.

For victims, reshaping the future means confronting many challenges. After a crime, victims need to know what rights and resources they can count on. They may need funds to bury a loved one or pay medical bills. They deserve information on the criminal justice process, their rights to be present or heard in court and to be notified about court proceedings and offenders' whereabouts. Rhode Island is home to many who dedicate not only resources and time to helping victims of crimes, but also offer a shoulder to lean on.



The 2011 honorees were the Ocean State Poets and Day One volunteer Melissa Cline. The Ocean State Poets are a community outreach group of volunteer poets who share poetry and promote poetry reading and writing. For the past six months several members of Ocean State Poets have conducted writing workshops with the Family and Friends of Homicide Victims Support Session. Melissa Cline is an advocate with Day One. Melissa calls on area hospitals to support victims of domestic violence and sexual assault. She shows victims compassion and caring while offering them information, referrals and safety planning to help them through a critical time in their lives.

For victim advocates, reshaping the future - particularly in these financially stressed times - means finding ways to do more with less. It means locating resources for victims who want them and helping new victims. The Ocean State Poets and Melissa Cline have found a way to do just that. Whether being a voice for those unable to speak or listening to those who need to confide, they help rebuild lives shattered by violence and loss.

In 2011, Attorney General Kilmartin continued with the Justice Awards, a tradition that recognizes the efforts of individuals to justice and protecting Rhode Islanders.

The awards recognize individuals' extraordinary commitment to justice and are presented in honor of the eight previous Attorneys General. This year's award ceremony was made more poignant by the participation of the wife and son of the late Attorney General Julius Michaelson, Rita and Jeffrey Michaelson, who presented the award in General Michaelson's honor.

2011 Justice Award recipients are:

- Elizabeth Kelleher Dwyer, Philip Sheridan and Robert Arrow of the Rhode Island Department of Business Regulation received the General Arlene Violet Award for Consumer Protection.
- Captain Marc Boisvert of the Johnston Police Department received the General James O'Neil Award for Crime Prevention.
- Eleanor "Candy" McSwain of Destiny House received the General Dennis Roberts Award for Domestic Violence Prevention.
- Detective Daniel Turgeon of the Woonsocket Police Department received the General Herbert DeSimone Award for Drug Enforcement.
- James Perrier of Friends of the Waterfront, Inc. received the General Jeffrey Pine Award for Environmental Protection.
- Detective Kenneth Court of the Providence Police Department received the General Sheldon Whitehouse Award for Law Enforcement (non-uniform category).
- Patrolman Christopher Perreault of the Warren Police Department received the General Julius Michaelson Award for Law Enforcement (uniform category).

- Karyn Hadfield of Day One received the General Richard Israel Award for Senior Protection.
- Magistrate Alan Goulart of the Rhode Island Traffic Tribunal was selected by former Attorney General Patrick Lynch to receive a special Justice Award. Previously a member of the Office of Attorney General staff, Goulart was recognized for his dedication and commitment to public service.

This year also brought honor upon the Criminal Division with the announcement that Assistant Attorney General Stephen Regine was named "Lawyer of the Year" by Rhode Island Lawyers Weekly, a publication which honored Rhode Island attorneys who handled cases involving challenging legal issues. Most notably in 2011, Regine was responsible for the prosecution of Kimberly Fry, a North Kingstown mother who was tried and convicted of murder for strangling her eight-year-old daughter. Regine, who has been a prosecutor in the Criminal Division since 1991, has consistently handled some of the Division's most high-profile and challenging cases and has succeeded in prosecuting many of those cases to guilty verdicts in his drive to do justice.

Protecting the Environment

One of the State's greatest treasures is Narragansett Bay and through, in great part, the efforts of the Office of Attorney General, 2011 saw the end of Hess' bid to locate an LNG plant in upper Narragansett Bay. This ended an eight-year battle to protect our shoreline from the dangers of transporting LNG up the Bay.



Attorney General Kilmartin continued his pledge to support renewable energy programs in Rhode Island by withdrawing from the Deepwater Wind suit, allowing the State to move forward in the development of the nation's first offshore wind project. In addition, Attorney General Kilmartin directed \$240,000 collected from an action brought against an out-of-state polluter to help fund wind turbines at Fisherman's Memorial Campground and East Matunuck Beach.

Attorney General Kilmartin successfully came to the defense of historic preservation at all three levels of the federal judiciary, as well as at the state level, in order to save a large Native American archaeological site of global significance.

History

The Office of the Attorney General was first created in Rhode Island in May 1650. Since its inception, the Office has been an elected position, except for a brief period from 1740 to 1742 when the charter allowed for the appointment of a King's attorney for each county. In 1842 the Rhode Island Constitution formally adopted the Office of the Attorney General.

The Office established under the Rhode Island Constitution is one of the five general officers subject to election by voters. The powers and duties of the Attorney General are derived from Article IX, Section 12 of the Constitution of the State of Rhode Island, Chapter 9 of Title 42 of the General Laws of Rhode Island, as amended, and the Common Law.

Major Responsibilities

The Attorney General is the top legal official in Rhode Island. As the State's top prosecutor, the Attorney General fights to enhance the economic security of Rhode Island, protect the public safety of our communities and restore the public trust in state government by fighting corruption.

As the central legal agency of the State, the Office of the Attorney General is responsible for prosecution of all felony criminal cases and misdemeanor appeals, as well as prosecution of misdemeanor cases brought by state law enforcement agencies.

Additionally, as chief legal officer of the State, the Attorney General represents all agencies, departments and commissions in litigation and initiates legal action where necessary to protect the interests of Rhode Island citizens.

The Office of the Attorney General is also charged with operating and maintaining the Bureau of Criminal Identification, which is the central repository for all criminal records in the State.

Executive and Administrative Divisions

The Executive and Administrative divisions of the Office of Attorney General consist of the Attorney General, Deputy Attorney General, Chief of Staff, Director of Administration and support staff. The division provides the general management and direction for the Office and implements policies, programs and legislation aimed at keeping Rhode Island communities safe and secure.

Deputy Attorney General

The Deputy Attorney General serves as the principal advisor to the Attorney General on all legal and administrative matters. The Deputy oversees the development and implementation of policy and serves as liaison between the Attorney General and all department staff and program officials.

Gerald Coyne, Esq., has served as Deputy Attorney General since 1999, serving in that capacity under three Attorneys General. In 2011, Coyne was recognized by the National Association of Attorneys General with a Marvin Award for his work to support and further the goals of the Association, and also received the prestigious 2011 Neil J. Houston Memorial Award for dedicated service and citizen contribution toward the criminal justice profession and the public interest.

Director of Administration

The Director of Administration is responsible for the Office's financial operations, including submission of the annual budget, monitoring and controlling expenditures, and supervising the personnel office, information technology, operations and fiscal office. The Administration Division also oversees the overall finances, prepares and submits the annual budget and lobbies for the resources necessary for its efficient operations.

The total budget for fiscal year 2011 was \$23.618 million. It consisted of \$20.763 million, or 87.92%, in state funding; \$1.788 million, or 7.57%, in federal grants; \$791,991, or 3.35%, in restricted receipts; and \$274,655, or 1.16%, in RICAP funding. The Office continues to make it a priority to return as much money to Rhode Island taxpayers as possible by way of restitution, forfeitures, settlements, reimbursements, fines and the collection of fees.

In 2011, the budget provided for 231.1 full-time equivalent positions:

Administration Division	21.6	employees
Criminal Division	149.5	employees
Civil Division	44.0	employees
Bureau of Criminal Identification	16.0	employees

The Office of the Attorney General is committed to maintaining a diverse workforce. As of June 30, 2011, the last official reporting period, minorities constituted 14% and women constituted 60% of the staff. The department also manages the Office's Scholastic Internship Program, in which 186 collegeage and high school-age students participated throughout 2011. The program is a valuable on-site learning experience for students as well as a critical resource for the department, whose employees annually log close to 20,000 hours of uncompensated overtime for the people of Rhode Island.

The fiscal office assists in the financial operations, including the submission of the annual budget, monitoring and controlling expenditures, processing state paperwork such as travel and invoice vouchers, purchase requisitions, maintenance and service contracts and all other budget-related transactions. The fiscal office also handles payroll submission, accrual and discharge of vacation, sick and personal hours and payroll adjustments.

Policy and Legislation

The Policy and Legislation Unit shapes policies and laws in the contexts of both criminal and civil law. The Unit handles and coordinates all legislative efforts before the Rhode Island General Assembly and serves as the Office's liaison to local, state and federal governments. Additionally, the Unit serves as the Attorney General's liaison to the National Association of Attorneys General on policy initiatives.

The Unit collaborates with various law enforcement and advocacy groups such as Mothers Against Drunk Driving, Students Against Dangerous Decisions and The Century Council to combat alcohol abuse, drunken driving and underage drinking in Rhode Island. The Unit works closely with the Rhode Island Police Chiefs' Association on legislation and policies that strengthen the protections afforded to the public in several areas. Further, the Unit provides consumers with an arbitration forum for alleged violations of the Rhode Island Lemon Law through the department's Motor Vehicle Arbitration Board.

Bureau of Criminal Identification

BCI maintains the criminal history records of more than 1,000,000 individuals.

The Bureau of Criminal Identification (BCI) serves as the central repository and clearinghouse for all descriptive and demographic information on individuals arrested and convicted of crimes in Rhode Island. As Rhode Island's criminal history repository, BCI maintains the criminal history records of more than 1,073,693 individuals. These

records are based on fingerprints containing identification segments obtained by local and state law enforcement agencies that are forwarded to the BCI office by mail or electronic transfer.

The Integrated Automated Fingerprint Identification System (IAFIS) is used to transmit fingerprints to the BCI from the local police departments. BCI, in turn, electronically transmits those fingerprints to the FBI, where they are checked against a national database of more than 50 million prints. Ninetynine percent of the police departments in Rhode Island electronically transmit fingerprint cards and arrest information directly to the Rhode Island Criminal History (RICH) and the FBI. The system is fully operational and provides law enforcement officers in Rhode Island with a tremendous resource to obtain proper identification and criminal history information in a timely manner.

According to a study by the FBI, Rhode Island's electronic criminal ten-print submissions have a turn-around time of 1.23 days, with the national average being 13.77 days. They also reported that electronic non-criminal, non-federal, ten-print submissions have turn-around time of 2.6 hours.

Arrest Fingerprint Cards/Dispositions

RIGL §12-1-10 requires Rhode Island law enforcement to promptly furnish the Office of Attorney General with fingerprints and descriptions of all persons arrested, excluding those charged with violations of city or town ordinances or similar minor offenses. Fingerprint cards and arrest information are automatically submitted from the 52 Livescan units in service in Rhode Island, covering 99% of the State's police departments, directly into the RICH and the FBI.

BCI processes an average of about 800 arrests per week that are populated into the RICH database and updated in real-time. In 2011, 35,766 fingerprint cards were electronically and manually submitted from arrests; 11,755 civil fingerprint cards were also processed to BCI by local and state law enforcement.

In order to maintain the complete and accurate tracking of all fingerprint cards received by electronic transfer, BCI continuously monitors the submitted transactions for quality control, verification, consolidation and submission rejections prior to submission to the FBI. Disposition information received from prosecutors at the Office is also entered into the system. In 2011, 23,290 dispositions were entered into the RICH database. In addition, the BCI office processed approximately 15,110 expungements during 2011.

Pistol and Revolver Permits

RIGL §11-47-18 empowers the Attorney General to issue a license or permit to state residents 21 years of age or older to carry a pistol or revolver, whether concealed or not, upon a proper showing of need. In assessing the need of an applicant to carry a pistol or revolver, the Office also considers the issuance of a restricted permit for specified purposes. As of December 31, 2011 there are 3,534 active pistol permits in Rhode Island. During calendar year 2011, a total of 780 pistol and revolver permit applications were processed, of which 370 were new applications and 410 were renewals. Eighty-five percent of the new applications were approved and 98% of the renewal applications were approved.

Criminal Record Requests

One of the major functions of BCI is to respond to requests for criminal history checks. Due to increased security measures in both the private and public sectors, the need for employment background checks continues to rise. The BCI window in Providence serves on average more than 300 people each day, Monday through Friday, and responds to approximately 225,210 requests received annually by mail, fax and telephone.

Restraining Orders/No Contact Orders

Rhode Island law specifies that all domestic violence and sexual assault protective orders must be filed in the Restraining Order/No Contact Order (RONCO) system located within BCI. Orders generated by the District, Superior and Family courts, police departments and bail commissioners must be filed upon issuance by faxing or delivering such orders to BCI no later than the end of the day they were issued. Modifications and terminations of such orders must also be forwarded to BCI and entered by the end of each day. In 2011, BCI entered 6,494 temporary restraining orders/restraining orders and no contact orders into the database.

Warrant Tracking

Since converting to a paperless warrant system, the courts and police department enter their warrants into the Rhode Island Law Enforcement Telecommunications System (RILETS). Warrants for those wanted outside Rhode Island must be entered and cancelled manually by BCI personnel. On occasion, local warrants must be upgraded as additional information is received on the wanted individual, or the warrant is extended from "RI only" to New England or nationwide. These warrants must be tracked daily. In 2011, BCI was also responsible for the arrest of 119 "wanted" individuals who appeared at the office for BCI record checks.

Nationwide Licensing and Employment Background Checks

Rhode Island law mandates that individuals seeking employment or licensing in specified healthcare or childcare fields must be subject to a nationwide criminal BCI processed 2,024 healthcare and childcare national background checks, 2,222 school applicant background checks and approximately 2,500 fingerprints required for various occupations.

history background check. Pursuant to the statute, individuals seeking employment or licensing respond to their local or state law enforcement office, where they are fingerprinted. The cards are then forwarded to BCI, where they are logged, checked for quality and forwarded to the FBI. The FBI conducts a nationwide record check and forwards a report to BCI as well as to the submitting law enforcement agency. During 2011, BCI personnel processed 2,024 healthcare/childcare national background checks.

In July 2001, new legislation required that any person seeking employment with a private school or public school department who had not been previously employed by a private school or public school department in Rhode Island during the past 12 months undergo a national and state criminal background check. The law exempted employees hired prior to August 1, 2002 and/or employees who had been continuously employed by a public school department in Rhode Island during the previous 12 months. This legislation also required that applicants respond to the Bureau of Criminal Identification instead of their local law enforcement agency.

As a result, BCI personnel in Providence are responsible for handling all school applicants from every city and town. The process entails fingerprinting the applicant, processing a Rhode Island background check and submitting the prints to the FBI for a national background check. Upon receipt of the information from the FBI, follow-up correspondence detailing a clean record or disqualifying information with the applicant's employer is further required. In 2011, the BCI Unit processed approximately 2,222 school applicant checks.

Latent AFIS Station

Latent finger/palm prints are those recovered from crime scenes either by photography, dusting powder or some type of chemical reaction that allows a finger/palm print to be viewed with the naked eye and compared for identification purposes. During 2011, the latent Automated Fingerprint Identification System (AFIS) processed 134 cases (248 latent), resulting in 50 positive identifications (37.3% clearance rate). AFIS personnel also assist police departments with implementing all transactions and identifying unknown subjects, such as deceased and amnesia victims.

Law Enforcement Agency Firearms Qualification

R.I.G.L. § 11-47-15.1 requires all law enforcement officers of the State of Rhode Island to submit copies of all of the firearm qualification reports to the Attorney General on a yearly basis.

Security Guard Licensing

Under R.I.G.L. §5-5.1-13, the Attorney General is responsible for the licensing end of the private security guard business. Federal guidelines now require that all security guards be fingerprinted for a national background check. BCI is charged with ensuring that all security guard companies, their employees and management personnel comply with the Act. Presently, BCI has 80 active security guard licenses on file.

Precious Metals Unit Background & History

Effective July 1, 2004, the General Assembly transferred administrative and regulatory oversight of the precious metals and pawn shop industry from the General Treasurer to the Attorney General. Precious metals licenses are reviewed and issued through the Precious Metals Unit. Complete national background checks are conducted on all agents and their employees.

The precious metals records are located at the Office of Attorney General and are maintained by date of transaction and are accessible to law enforcement Monday through Friday, 8:00 am to 4:30 pm.

As of December 31, 2011, there are 867,647 precious metal items contained in the RIPPD database.

In February 2005 the Office, with the aid of law enforcement, developed a new database to capture the record transactions of precious metals sales and pawns. The Rhode Island Precious Metals and Pawn Database (RIPPD) replaces the old "GEMS" database that was housed by the Treasurer's Office. This database

captures information from the sale and pawn transaction records that by law are to be sent to the Office of Attorney General by precious metals dealers and pawn shops. The Precious Metals unit receives an average of more than 80 "sale transaction" slips daily that contain anywhere from 1 to 10 sold items on each slip. In addition to the sales transaction slips, the Unit receives over 275 "pawn transaction" slips daily. These pawn transaction slips also contain anywhere from 1 to 10 items for each transaction.

Last year, 49,851 sales transaction slips containing precious metal items were entered into the RIPPD. The Precious Metals Unit receives approximately 250-300 faxes and 100 mailed slips daily. As of December 31, 2011, there are 867,647 precious metal items contained in the RIPPD database. This RIPPD database is a critical law enforcement tool that aids police in the recovery of stolen jewelry and other precious metals. At the present time the database is being accessed by police officers representing all Rhode Island police departments, as well as Southeastern Massachusetts and Connecticut police departments and federal agencies. The growth of access continues to increase as more out-of-state police departments learn about this valuable law enforcement tool which enables investigators to search by item description, date of transaction, dealers and sellers.

RIPPD has made an incredible impact on the law enforcement community as an investigative tool. Police officers are utilizing the database in all aspects of investigations and crime solving.

The Office is in the process of making the RIPPD database an electronic system. This will allow data to flow more quickly into the system, resulting in it being a more timely and effective tool for law enforcement to utilize.

Civil Division

By law, the Attorney General represents the State, its agencies and employees in the Rhode Island Supreme Court and all lower state courts; institutes actions in state and federal courts whenever warranted; ensures that representation is provided to state officers, employees and agencies in all courts; advises state officers and agencies on legal issues; gives written opinions on legal issues when requested by an appropriate governmental officer and represents the interests of the people.

Government Litigation Unit

The Government Litigation Unit represents the State of Rhode Island and its agencies in District and Superior Courts and in the United States District Court. It defends and prosecutes appeals in both state and federal appellate courts and is serves as legal advisor to a broad range of state departments, agencies, boards, commissions, officers and employees. In 2011 the Unit opened 981 cases and closed 1,063 cases.

Antitrust Unit

The Antitrust Unit investigates complaints alleging violations of state and federal antitrust laws within the State of Rhode Island. Because of their complexity and the large amount of anticipated discovery, the Attorney General investigates many matters as a member of various multistate working groups.

The Rhode Island Antitrust Act gives the Attorney General the statutory authority to institute suit against persons, corporations and other legal entities that are in violation of state or federal antitrust laws. The General Assembly enacted the Antitrust Act in 1979 and it applies to every type of economic activity having an impact on trade or commerce in Rhode Island adequate to support the jurisdiction of the Superior Court. The Act contains analogues to Sections 1 and 2 of the Sherman Act and Section 3 of the Clayton Act.

During 2011 the Attorney General actively participated in litigation that included: In re: Dynamic Random Access Memory (DRAM) Antitrust Litigation, U.S.D.C. for the Northern District of California MDL 1986 and United States, et al. v. American Express Company, et al., U.S.D.C. for the Eastern District of New York, No. 10-CV-4496. The Attorney General also participated in investigations of possible antitrust violations in the packaged ice industry, the pharmaceutical industry, the ticket resale industry and the gasoline industry. The Attorney General, in cooperation with other states and the Federal Trade Commission, participated in investigations of proposed mergers in the pharmaceutical industry, airline industry and retail store industry.

Charitable Trust Unit

The Attorney General has the statutory and common law duty to protect charitable assets within the State of Rhode Island. The Charitable Trust Unit enforces statutes concerning the administration, operation and disposition of Rhode Island charitable trusts. The Unit maintains a database of all registered charitable trusts that contains the financial information of each trust. The Unit also responds to inquiries regarding charitable trusts from trustees, accountants, attorneys, charitable beneficiaries and the general public.

Consumer Protection Unit

The Consumer Protection Unit investigates and mediates consumer complaints concerning unfair and unlawful business practices and misleading advertising arising out of alleged violations of the Deceptive Trade Practices Act. If groups of people are victimized by a deceptive trade practice, the Attorney General may file a Civil Investigative Demand in Superior Court commencing a formal investigation. In appropriate cases, a lawsuit to stop the illegal business practice may be initiated.

Apart from carrying out its statutory responsibilities, the Unit also provides information and referral services to the general public. Consumers are directed to the appropriate governmental or private agencies for help in answering specialized questions or resolving disputes that are not within the Unit's jurisdiction.

Top 10 Consumer Complaints for 2011

4	1.	Automobile Dealerships
	2.	Banking/Mortgage/Loan Issues
	3	Landlord/Tenant
	4.	International Lottery/International Scam Offers
	5.	Debt Collectors
	6.	Legal Questions
	7.	Contractors
	8.	Telemarketing
	9.	Retailers
	10.	Insurance

In 2011, the Unit responded to more than 9,170 telephone calls, 1,730 written complaints, 729 e-mail inquiries and 148 walk-ins. The Unit resolved 1,125 written complaints and recovered \$1,269,398 on behalf of individual consumers. Of the amount recovered, \$142,714 was money refunded to consumers and \$1,126,684 was recovered as items replaced or billing reversed. The Unit referred 605 consumer complaints to other agencies. The Unit also registered telemarketers resulting in \$3,200 and health clubs resulting in \$4,730 in fees for the State during 2011.

In 2011, The Consumer Protection Unit **recovered \$1,269,398** on behalf of individual consumers.

The Unit provided approximately 150 outreach presentations to senior centers, community groups and organizations throughout Rhode Island in an effort to educate and protect consumers from scam artists.

In addition, nearly 30 consumer alerts and advisories were issued during 2011, covering such topics as travel scams, disaster relief, price gouging during Tropical Storm Irene, phishing, mortgage modification scams and holiday shopping consumer tips, as well as various recall alerts. The Office also issued letters to approximately nine companies regarding possible security data breaches under Rhode Island's Identity Theft Protection Act.

In 2011, the Consumer Protection Unit responded to:

- 9,170 telephone calls
- 1,730 written complaints
- 729 e-mail inquiries
- 148 walk-ins.

The Office participated in National Consumer Protection Week, March 6-12, 2011. During the event, the Office partnered with Doc Shredding Corp. and provided five free shredding events throughout Rhode Island in an attempt to educate consumers and provide a safe way for consumers to discard documents, thus avoiding possible identity theft issues.

In 2011, the Consumer Protection Unit continued its partnership with the Loan Modification Scam Alert Campaign and hosted free informational events on foreclosure prevention and loan modification scams.

Environmental Advocacy Unit

The Environmental Advocacy Unit continued its community-based mission to enhance public enjoyment of Rhode Island's environment. In particular, 2011 saw the end of Hess' bid to build an LNG plant in nearby Fall River, capping an eight-year fight to protect Narragansett Bay from closures and to protect the shore from danger.

Also, in a suit brought by the Attorney General, a court ordered an out-of-state air polluter to compensate the state by paying \$240,000 for wind turbines at Fisherman's Memorial Campground and East Matunuck Beach.

The Attorney General also led efforts to reduce greenhouse gases that cause global warming. The Attorney General led a group of eleven state attorneys general to successfully call on federal agencies to stay the course on climate change rules. In addition, the Attorney General has intervened in numerous cases in federal court to implement the victory of this office and others in Mass. v. EPA (U.S. 2007).

The Office led the fight against neighborhood nuisances, including Pond View, and finally getting a settlement in the old "stump dump" case in the Richmond/Hope Valley vicinity.

The Office also defended historic preservation by successfully mounting a defense, at all three levels of the federal judiciary, including the Supreme Court, as well as at the state level, to save a large Native American archaeological site of global significance and secured a decision from the state Supreme Court vindicating the Historical Cemeteries Commission.

Office of Health Care Advocate

The Office of Health Care Advocate advocates for Rhode Islanders through the following duties that the Attorney General may direct: to appear as an amicus curiae in civil actions, to intervene in or request initiation of administrative action related to health care and health insurance, to investigate complaints to assure the delivery of quality health care, to educate the public, to engage in legislative advocacy, to initiate formal legal actions concerning health care and to advocate for changes to support quality and affordable health care. Many patients, family members and providers turn to the Office of Health Care Advocate for assistance.

The Health Care Advocate is appointed to or attends several health care-related boards and committees and reviews proposed regulations and legislation. The Health Care Advocate assists consumers with various issues, including access to medical records, privacy questions and assistance with navigating the various agencies governing health care complaints.

The Office of the Health Care Advocate has played a significant role in the Landmark Medical Center and Rehabilitation Hospital of Rhode Island Special Masterships including attending numerous court appearances in order to protect the public interest. The Health Care Advocate currently leads the Hospital Conversion Team that is reviewing the proposed hospital conversion of Landmark Medical Center and the Rehabilitation Hospital of Rhode Island. The Health Care Advocate is also involved in the recent Westerly Hospital Special Mastership proceeding.

Office of Civil Rights Advocate

Several years ago, the General Assembly created the Office of Civil Rights Advocate within the Office of Attorney General by enactment of RIGL 42-9.3-1 et seq. The duties and responsibilities of the Civil Rights Advocate include training and education, reviewing complaints, conducting investigations and bringing civil actions under the statute.

The Office of Civil Rights Advocate works with the R.I. Commission on Prejudice & Bias to establish an education program for children in middle school and, eventually, high school.

To file suit, the statute requires use of force or violence, property damage or the threat thereof, which interferes with federal or state constitutional or statutory rights. If such facts and circumstances are present, the Attorney General may bring a civil action in the name of the State on behalf of the person(s) aggrieved, seeking an injunction, monetary penalty up to

\$5,000 and other appropriate relief. Where appropriate, the Attorney General has brought several such actions and obtained civil rights injunctions to protect persons and property. In 2011, the Office filed a lawsuit against an individual who was threatening and harassing his neighbors based on their national origin and sexual orientation. A civil rights injunction was entered in the case to stop the threats and harassment.

The Office continued its long-standing Hate Crimes and Civil Rights Training for Law Enforcement. In 2011, 217 officers and recruits received training. This included in-service training for approximately

128 officers from statewide police departments and 89 recruits at police academies and colleges to criminal justice students.

The Office continued working with the R.I. Commission on Prejudice & Bias to establish an education program for children in middle school and, eventually, high school. The long-range plan is to educate teachers, administrators and students on issues of hate crime and civil rights in schools. The goal is to make our schools safer and foster education, tolerance and civic responsibility.

Insurance Advocacy Unit

The Insurance Advocacy Unit's primary function is to represent, protect and advocate the rights of consumers at insurance rate hearings and in the insurance marketplace pursuant to R.I. Gen. Laws § 27-36-1. Many people turn to the Insurance Advocate to assist them with insurance-related issues, such as denials of payment for treatment, access to medical treatments and procedures under their policies of insurance and other rights under their various policies of insurance and Rhode Island laws.

The role of the Advocate in connection to rate increase requests for worker's compensation insurance providers and health insurance providers is to independently evaluate the validity of the rate increase requests, and when appropriate, recommend alternative rates to the regulatory agency. During 2011, the Unit represented the rights of Rhode Island citizens in connection with two rate filings before the Department of Business Regulation (DBR) and the Office of Health Insurance Commissioner (OHIC).

The National Council on Compensation Insurance (NCCI) Loss Costs and Rating Values Filing submitted a request to increase overall base premium rates for workers compensation insurance by 3.9%. The Attorney General submitted alternative calculations to those filed by NCCI, seeking a decrease of 0.6%. After a

In 2011, as a result of efforts by the Insurance Advocacy Unit, Rhode Island citizens and businesses saved approximately \$4 million in individual health insurance and workers compensation insurance premium costs.

review of the rates submitted by NCCI and the alternative calculations submitted by the Attorney General, the DBR approved a decrease of 3.6%, resulting in savings of approximately \$400,000 in premium costs.

Blue Cross and Blue Shield of Rhode Island sought average rate increases of 7.9% for its Direct Pay subscribers, while the Attorney General recommended an increase of 0.4%. After a full public hearing, OHIC approved an increase of 1.9%, resulting in savings of approximately \$3.6 million in premium costs.

The difference in rate increases for health and worker's comp insurance and that of the approved rates saved ratepayers approximately \$4 million in premium costs.

Open Government Unit

The Open Government Unit investigates complaints against public bodies in Rhode Island for violations of the Open Meetings Act and/or the Access to Public Records Act. In 2011, the Unit investigated 115 open government complaints and issued 38 findings under the Open Meetings Act and 39 findings under the Access to Public Records Act.

In total, the Unit determined that public bodies violated the Open Meetings Act on 19 occasions and the Access to Public Records Act 22 times. In the majority of these cases, the Office issued warnings to the public bodies. In one instance, the Unit filed suit seeking civil monetary penalties against the Albion Fire District for willfully and knowingly posting insufficient agenda items.

The Unit continued to encourage open government through outreach and education, including hosting an introduction to the open government laws in January 2011 aimed at newly elected and appointed officials, presenting the annual Open Government Summit and distributing "The Attorney General's Guide to Open Government," a reference manual relied upon by both newly elected and seasoned members of public bodies, legal counsels and citizens.

In July, the Open Government Summit drew nearly 400 attendees and, for the first time, was streamed live on the internet to countless Rhode Island citizens. This proactive approach has positively impacted public bodies and citizens alike by encouraging open dialogue, which enables more government business to be performed in an open and public manner.

Public Utilities Regulatory Unit

The Public Utilities Regulatory Unit represents ratepayers and citizens of the State of Rhode Island in all matters affecting the provision of public utility services as defined by Title 39, Ch. 1-5 of the Rhode Island General Laws. Such services include municipal and investor-owned utilities that provide one or more of the following utility services to Rhode Island consumers: electric, gas, water, telephone, sewer and cable; as well as all common carriers: taxis, towers, movers and limousines operating in the state.

In 2011, the Unit successfully litigated utility issues on behalf of the Division in the areas of gas, municipal water and sewer, generating over \$11.5 million in savings to Rhode Island ratepayers and consumers.

The primary vehicle for the Unit's practice is to serve as legal counsel to the Division of Public Utilities and Carriers (the "Division") in proceedings before the Public Utilities Commission. In this capacity, the Unit provides legal counsel to the Division with the principal aim of protecting ratepayers from public utilities'

efforts to charge unreasonable rates or engage in unreasonable practices. The Unit represents the Division before all state and federal trial and appellate courts of competent jurisdiction.

In 2011, the Unit successfully litigated utility issues on behalf of the Division in the areas of gas, electric, municipal water and sewer, generating more than \$11.5 million in savings to Rhode Island ratepayers and consumers. Proceedings successfully resolved include negotiating a settlement with the State's principal electric utility, saving ratepayers a total of \$6.9 million, and the defense of a multi-year rate increase request by a local municipal water utility, saving ratepayers approximately

\$1.6 million. In addition, in proceedings before the Division, the Attorney General assisted in collecting thousands of dollars in civil fines against taxi, ferry, moving and towing companies for a variety of regulatory violations.

Legal Counsel to the Contractors' Registration and Licensing Board (CRLB)

The Office of Attorney General provides legal counsel to the Contractors' Registration and Licensing Board (CRLB), which is under the aegis of the R.I. Department of Administration. The CRLB regulates the construction industry through registration requirements and conducts administrative hearings for individuals aggrieved by residential contractors. As legal counsel to the board, this Office enables residential homeowners to avail themselves of the dispute resolution process at the CRLB in lieu of pursuing a private action in court.

When a contractor fails to pay restitution to a homeowner as ordered by the CRLB, the Attorney General plays an active role in enforcing compliance to ensure that homeowners have some measure

of recourse. Through a cooperative partnership between the Office's Civil and Criminal Divisions, unscrupulous contractors can be criminally prosecuted in District Court. This process has a proven record of restoring money owed to homeowners and of keeping bad contractors from repeating their offenses.

The CRLB secured court orders for restitution for victims in excess of \$212,260.

In 2011, the CRLB secured court orders for restitution for victims in excess of \$212,260, including a judgment against one contractor for nearly \$53,000 for negligent work and breach of contract. In addition, the CRLB secured judgment for fines to the State totaling more than \$7,500.

Criminal Division

The Office of Attorney General is charged with the responsibility of prosecuting all felony criminal offenses occurring in the State of Rhode Island, all misdemeanor criminal cases brought by state law enforcement agencies and all misdemeanor cases appealed to the Superior Court.

The Criminal Division is comprised of 150.5 staff members, consisting of prosecutors, paralegals, support staff, victim advocates, investigators and financial auditors. These individuals work together to assist the Attorney General in fulfilling his constitutional obligations. Cases are prosecuted by attorneys assigned to the general criminal trial calendar and through specialized units focusing on white-collar crime, child abuse, narcotics and organized crime, gangs, firearms offenses, juvenile offenders, domestic violence, sexual assault, Medicaid fraud, elder abuse and traffic safety.

In 2011, the Attorney General established a Child Abuse Unit (CAU) within the office. The CAU was formed to prosecute individuals charged with offenses related to the physical and sexual abuse of children. The Attorney General created this unit after examining and researching best practices in other states. The concept of the CAU is to create a specialized unit of prosecutors trained to handle medically intensive cases and Victim Services team members educated in the needs of these children. The establishment of this Unit enhances the existing partnership this Office currently maintains with Day One, Hasbro Children's Hospital Child Protection Program, the Department of Children, Youth, and Families and law enforcement partners in the community in an effort to reduce the trauma that families face and to hold offenders accountable for their crimes against children. Team members work together to build stronger cases, provide resources to the child and bring criminal matters involving children to a timely resolution. The creation of the Unit was announced on December 5, 2011, and since the establishment of the Unit, the CAU has already been assigned more than 100 cases.

In 2011, the Attorney General and the Criminal Division reaffirmed the Office's commitment to assisting veterans involved in the criminal division due to service-related trauma. The Attorney General and the Criminal Division Chief travelled with Chief Justice Jeanne LaFazia of the Rhode Island District Court to Buffalo, New York to explore the highly successful Buffalo model led by Judge Robert Russell. Criminal Division prosecutors participate in the Kent County Court to assess an individual, who is present or former military, for entry into the Veteran's court program. The program itself is designed to provide veterans with wrap-around services for healthcare, substance abuse counseling, mental health counseling, and other social services and resolve the individual's criminal case. The services provided are designed to assist the veteran and address and resolve the issues which have brought the individual in to the criminal justice system and reduce recidivism.

This year also brought honor upon the Criminal Division with the announcement that Assistant Attorney General Stephen Regine was named "Lawyer of the Year" by Rhode Island Lawyers Weekly, which honored Rhode Island attorneys who handled cases that raised challenging legal issues. Most notably in 2011, Regine was responsible for the prosecution of Kimberly Fry, a North Kingstown mother who was tried and convicted of murder for strangling her eight-year-old daughter. Regine, who has been a prosecutor in the Criminal Division since 1991, has consistently handled some of the most high-profile and challenging cases and has succeeded in prosecuting many of those cases to guilty verdicts in his drive to do justice.

The Criminal Division has continued to work closely with local communities, assigning Superior Court prosecutors to act as liaisons to each of the forty-four law enforcement agencies in the State in order to provide legal assistance. During weekends and holidays, prosecutors rotate coverage to handle violator presentments. Prosecutors logged 526 uncompensated hours in 2011 in weekend duty alone, providing coverage for all areas of the State. The total number of hours increased substantially again this year from the 459 hours in 2010. In addition, prosecutors and support staff consistently worked beyond their 35-hour work weeks, ensuring that court calendars were completed, witnesses were interviewed and cases were well-prepared for trial.

Intake Unit prosecutors in Providence County reviewed cases for felony screening and grand jury presentations and negotiated case dispositions through the pre-arraignment calendar. Prosecutors assigned to the trial calendars and specialized units focused on trial preparation, handling cases from the pretrial stage through to disposition. A county prosecutor traveled to each of the county offices to handle felony screenings for Kent, Newport and Washington counties, and Statewide Grand Jury presentations were handled by various prosecutors throughout the Division.

In 2011, the Providence Intake Unit reviewed a total of 4,159 packages, ensuring there was sufficient evidence to go forward in the Superior Court. The screening prosecutor reviewed 3,891 packages for Information Charging, and grand jury prosecutors reviewed 268 packages for presentment to the Providence County Grand Jury. The county offices also screened more than 1,700 felony packages for charging (868 in Kent, 382 in Washington and 464 in Newport County). Statewide, the Division proceeded to file criminal informations and indictments with the Superior Courts in 5,293 felony cases.

This year, the number of dispositions increased by more than 100, with prosecutors disposing of 5,559 cases. The Criminal Division also handled 209 new misdemeanor appeal filings and disposed of 203 pending misdemeanor appeals in the Superior Courts. Prosecutors handled 87 new applications for post-conviction relief, with decisions being reached in 50 of those matters. This year, a prosecutor was assigned to the Appellate Unit and designated to handle post-conviction matters for the Division, freeing up valuable resource time for trial prosecutors to concentrate on their criminal cases.

Division prosecutors disposed of 4,950 felonies and 148 misdemeanors at the pretrial conference stage of the case. In total, there were 5,083 cases disposed by these plea negotiations, accounting for 88% of the disposed cases handled throughout the State. In 2011, Division prosecutors, with the assistance of the White Collar Crime Unit, brought hundreds of financial crimes cases to disposition, with court-ordered restitution totaling nearly \$3 million. \$374,000 was paid up-front to victims at the time of disposition, with the remaining schedule of payments to be determined by the courts.

During 2011, the Criminal Division brought 84 cases to trial, securing 78 verdicts and convicting 64% of the defendants who opted to have their cases tried before a judge or jury. Of those cases tried, 50 defendants were found guilty of their offenses and 28 were found not guilty of the State's allegations by a jury. The jurors in three Superior Court trials were unable to reach a verdict; two trials resulted in a mistrial; and one case where the defendant had been found guilty was later dismissed by judgment of acquittal in Kent County.

Adult Diversion Unit

The Adult Diversion Unit was established in 1976 as an alternative to prosecution for first-time nonviolent felony offenders. The program is based on the discretion of the Attorney General and does not have a statutory basis. It enables qualifying offenders to accept responsibility and

The Adult Diversion Unit collected \$86,711 in restitution and arranged 4,943 hours of community service at statewide nonprofit agencies.

be held accountable for their actions while avoiding the stigma of a criminal record. The program offers the opportunity for the offender to earn the dismissal of criminal charges by participating in drug treatment and mental health programs, providing community service at nonprofit agencies and paying restitution to the victims of their crimes.

In 2011, the Unit handled 512 referrals, accepted 249 cases and completed 218 cases. A significant accomplishment for 2011 included collection of \$86,711 in restitution. The Adult Diversion Unit arranged 4,943 hours of community service at statewide non-profit agencies for a total value of more than \$36,000, also arranging 157 counseling programs for participants with substance abuse problems, mental health issues and gambling addictions.

Appellate Unit

The Criminal Appeals Unit is charged with representing the State in all criminal matters before the Rhode Island Supreme Court, defending the State in federal courts, and assisting prosecutors with legal research and analysis on a broad array of issues. In carrying out these responsibilities, the members of the Unit – six attorneys – work with great diligence and passion to persuade members of the Rhode Island Supreme Court and the members of the federal judiciary of the correctness of the State's causes. The Unit's attorneys work equally hard in assisting trial prosecutors with legal issues as they arise during the course of pre-trial and trial litigation, and assisting other attorneys in the Office in research and analysis on a variety of questions of Office concern.

The Rhode Island Supreme Court affirmed 26 of 28, or 93%, of challenged judgments of convictions/adjudications-of-delinquency; seven of eight challenged judgments denying post-conviction relief; and nine of 10 of the other defendant-appealed judgments.

In 2011, the Unit filed with the Rhode Island Supreme Court 42 pre-briefing statements defending state-favorable judgments (of conviction, denying post-conviction relief, of probation violence, etc.) entered in the lower courts (usually the Superior Court). The Unit further submitted to the Rhode Island Supreme Court 23 full briefs, defending state-favorable judgments entered in the lower courts.

The Unit additionally filed with the Rhode Island Supreme Court 23 responsive memoranda in opposition to some defendant-requested extraordinary action. As well, the Criminal Appeals Unit defended against seven federal habeas corpus petitions brought in the United States District Court for the District of Rhode Island (*id.*), and submitted, in the United States Court of Appeals for the First

Circuit, three briefs in federal habeas corpus cases and four pre-briefing statements in cases in which the Attorney General challenged an unfavorable Superior Court judgment/determination.

In total, the Unit submitted substantive written memoranda (full briefs/pre-briefing statements/ federal habeas responses/other memoranda) in a total of 102 cases. Every one of these submissions – whether a lengthy full brief defending a capital judgment of conviction entered after a weeks' long trial, or a very brief memorandum in objection to a frivolous bail-pending-appeal motion – was drafted with consideration, care and deliberation, and carefully reviewed by at least two attorneys within the Criminal Appeals Unit.

The Rhode Island Supreme Court affirmed 26 of the 28 (93 percent) challenged judgments of conviction/adjudications-of-delinquency, 7 of the 8 challenged judgments denying post-conviction relief and 9 of 10 of the other defendant-appealed judgments which came before the Rhode Island Supreme Court.

Turning to the federal habeas corpus cases litigated by the Appellate Unit in federal court during 2011, the State successfully defended in the United States District Court for the District of Rhode Island every one of the eight 28 U.S.C. § 2254 habeas corpus petitions brought by convicted Rhode Island defendants; and, as well, prevailed in all four of the cases litigated in the United States Court of Appeals for the First Circuit.

Child Abuse Unit

The Child Abuse Unit (CAU) was created in 2011 to prosecute first and second degree child molestation cases and first and second degree child abuse cases. This Unit was created because of the need for specialized training to prosecute these medically intensive cases. The CAU uses a multidisciplinary approach to prosecuting child abuse crimes. This includes working closely with Day One, Child Protection Program (CPP) at Hasbro Children's Hospital, DCYF and local police departments. To this end, at least one member of the Unit attends weekly meetings at the CPP. During these meetings, the "team," including physicians from the CPP, social workers from DCYF and local police departments, discusses any new cases and follow up on old cases to ensure child safety and, if applicable, make sure that the perpetrators of these crimes are held accountable. In addition to the CPP meetings, at least one member from the Unit attends bi-monthly meetings at the CAC. During these meetings, the team, including members from Day One, DCYF and local police departments, discusses and follow up on all of the referrals generated to Day One. The cases discussed are not only those which lead to criminal prosecution but those in which children may need counseling and/or DCYF intervention to ensure their safety.

Community Prosecution Unit

The Attorney General's Community Prosecution Unit employs traditional and non-traditional prosecution strategies and engages in community outreach. The core of the Unit's crime-prevention efforts continues to be the targeting of gang-related violence. In 2011, the Unit continued to partner with state and federal law enforcement to target and infiltrate specific gangs and their structure. In addition, the community prosecutor continued to work closely with the Providence Police Department Gang Unit in investigating and prosecuting gang-related cases, including four unsolved gang-related homicides.

In addition to weekly intelligence meetings, the Unit rapidly shares information related to a criminal gang event, whether the individuals involved are adults or juveniles. The Unit also spent time working on legislative proposals related to gang issues. Finally, the Unit assigned each of the five prosecutors to different districts in the City of Providence and took steps to establish initiatives modeled on the District 5 Initiative.

The District 5 Initiative is located in the neighborhoods of Olneyville, Silver Lake and Manton. In partnership with the United States Attorney's Office, the District 5 Initiative primarily monitors, surveils and jointly prosecutes in both state and federal court known violent offenders and gang members in the District 5 area. The prosecutor and his federal partner have each been cross-designated to serve in both courts. In addition, the District 5 Initiative also entails community outreach, mentoring and community meetings as well as the use of the Attorney General's Nuisance Task Force.

District Court Unit

The District Courts traditionally are the busiest courts in the judicial system. The Providence County District Court Unit handled 2,169 cases in 2011. Prosecutors represented law enforcement agencies in 334 bail hearings, 850 probation hearings, 220 bail violation hearings, 463 pre-trial conferences and 101 trials. Statewide, in the 2nd, 3rd and 4th District Courts, prosecutors handled nearly 2,000 additional cases

The District Court Unit in Providence County prosecutes a multitude of criminal matters brought forward in the 6th Division District Court and the Rhode Island Traffic Tribunal (RITT). Every day, Unit prosecutors are responsible for conducting bail hearings on capital cases and enumerated drug delivery offenses, hearings to which any defendant who is held without bail is entitled.

In 2011, The Providence County District Court Unit handled 2,169 cases. Prosecutors represented law enforcement agencies in 334 bail hearings, 850 probation hearings, 220 bail violation hearings, 463 pre-trial conferences and 101 trials.

Unit prosecutors also regularly handle cases against defendants accused of violating the terms and conditions of either bail on an existing case or of a pending sentence of probation or suspended time. As a daily responsibility, Unit prosecutors also handle motions to expunge, motions to reduce and/or modify bail and bail conditions, motions to vacate no-contact orders, applications for post-conviction relief and waivers of information for certain felony offenses.

The Attorney General has authority to prosecute breathalyzer refusal charges brought under Rhode Island General Law §31-27-2.1. The District Court Unit prosecutes all breathalyzer-refusal cases at the RITT. Further, Unit prosecutors handle any appeal of a Tribunal decision both before the Tribunal Appeals panel and subsequently before a judge of the District Court. In 2011, Unit prosecutors made a total of 1,107 pre-trial and trial appearances at the RITT.

The Unit prosecutes pre-trial and trial matters brought by various state law enforcement agencies throughout Rhode Island, primarily the Rhode Island State Police. In addition, Unit prosecutors handle all criminal cases referred by the state Contractors Registration and Licensing Board and from the Department of Labor and Training.

Domestic Violence and Sexual Assault Unit

In 2011, the Domestic Violence/Sexual Assault Unit (DV/SA) continued its efforts to address crimes of violence committed among family and household members throughout the State of Rhode Island. The Unit worked to achieve its primary goals of ensuring victim safety and offender accountability. In addition to handling felony trials and misdemeanor appeals in Superior Court, DV/SA prosecutors handle bail hearings, violation hearings and motions to reduce or set bail. Unit prosecutors also regularly argue against victims' motions to vacate no contact orders (NCOs) against offenders.

DV/SA prosecutors also coordinate, along with participating police departments and the Sexual Assault and Trauma Resource Center, the interviews of adult women and men who are victims of sexual assault. Additionally, they conduct training sessions for law enforcement officers at local police departments and police academies, as well as for city and town solicitors statewide. In 2011, trainings were conducted through the RI Coalition Against Domestic Violence on investigating and prosecuting domestic and sexual assaults and investigating and collecting evidence in domestic violence cases, especially when the victim is uncooperative. DV/SA prosecutors continue to participate in the training of emergency room personnel at local hospitals on the taking of rape kit samples for victims of sexual assault.

After having worked in conjunction with various advocacy groups and local members of law enforcement to apply for and secure monies made available through the federally funded grants, the Unit was able to enhance its efforts in the fight against violent crimes against women by developing an updated database that will allow the Unit to better track repeat offenders and hold them accountable.

This past year the Rhode Island Superior Court launched the Domestic Violence Court in consultation with prosecutors from the DV/SA Unit and others from the Office of Attorney General. Since this court was launched in September 2011, DV/SA prosecutors have worked closely with the courts in an effort to make it a success. It is the hope of the Attorney General that the court can improve the process for victims by making DV cases a priority and ensuring that these cases get handled efficiently.

In the past year, 24 cases prosecuted by DV/SA Unit prosecutors went to trial. A total of 75 cases assigned within the Unit were reached for trial in Superior Court, the majority of which were settled by defendants' pleas.

Elder Abuse Unit

The Office of Elder Justice Advocate, also known as the Elder Abuse Unit, had a very successful year on behalf of elderly victims in 2011. The primary responsibility of the Unit is investigative management and prosecution of crimes involving elderly victims of abuse, neglect and financial exploitation.

The Unit was created several years ago in recognition of the fact that the proportion of Rhode Island's population that is sixty years of age and older is dramatically increasing and will continue to do so in the coming years. Coupled with the fact that this age group is the State's fastest growing demographic is that crimes

Successful criminal prosecutions of those who committed elder abuse resulted in jail time for many defendants, as well as court-ordered restitution of more than \$345,000 for senior victims.

against senior citizens often go unreported, presenting high temptation and low risk factors to potential offenders. The special needs often presented by elder victims and the fact that elder abuse, neglect and exploitation crosses all racial, socio-economic, gender and geographic lines made the need for a special unit apparent.

The Unit continued its mission of working with and advising various law enforcement agencies across the State in elder abuse investigations, leading to over 125 felony criminal cases involving elderly victims being opened in the Rhode Island Superior Court. More than 120 additional investigations and complaints were handled by the Elder Abuse Unit. Successful criminal prosecutions resulted in jail time for many defendants, as well as court-ordered restitution of more than \$345,000 for senior victims.

The Unit also collaborated with other agencies and organizations to coordinate a multi-agency effort at combating elder abuse. The Office of Attorney General continued its partnership with Day One, the Department of Elderly Affairs and members of other Rhode Island law enforcement agencies in a federal program which trains police officers, prosecutors and even judges to recognize the unique problems posed by cases involving elder abuse. The course consists of two full days of lectures, videos and interactive group discussion.

In addition to training existing police officers, in 2011 the Unit began training recruits at the Rhode Island Municipal and State Police Academies with the goal that new officers will investigate potential signs of elder abuse that may be present during routine patrol calls, but have often gone unrecognized in the past.

Juvenile Prosecution Unit

The Juvenile Prosecution Unit prosecutes all juveniles charged with offenses which would be punishable as felonies if committed by an adult. In addition, the Unit also prosecutes all juveniles who are charged by the Rhode Island State Police, State Fire Marshall and the Department of Environmental Management. The Unit is responsible for the prosecution of all juveniles who are charged with violations of probation, as well as the prosecution of adults who commit child neglect, exploitation of a minor and failure to pay child support.

This past year proved to be another busy year for the Juvenile Prosecution Unit. The Unit received 1,519 new petitions charging juveniles with criminal offenses. This represents 1,154 new delinquency charges and 1,293 wayward charges. Also, during 2011, the Unit prosecuted 449 new

Last year, 78 juveniles were prosecuted for school violence and 39 juveniles were prosecuted for firearm charges.

juvenile offenders. A new juvenile offender is a juvenile not previously prosecuted by the Unit. This number does not include juveniles that the Unit prosecuted in past years or juveniles who re-offend during the current year.

In 2011, the Unit prosecuted 78 juveniles for school violence cases, not including the wayward offenses handled by municipalities. The range of offenses that occurred on school property included assault, breaking and entering, drug offenses, possession of weapons and bomb threats. In 2011, the Unit prosecuted 39 juveniles in Family Court for firearm cases.

The Unit participates in the Juvenile Drug Court, which aggressively addresses substance abuse and associative behaviors, which if not addressed could lead to further contact with the courts. During 2011, 195 juveniles were admitted to the Drug Court program; 196 juveniles graduated while 61 were terminated for violating the program.

The Juvenile Prosecution Unit is also responsible for covering cases heard in the Re-entry Court, which is a specialized court that monitors and reviews juveniles recently released from the Rhode Island Training School.

Prosecutors also conduct emergency arraignment wherein a juvenile has been detained overnight at the RITS with the approval of a Family Court Judge. There were 283 emergency arraignments in 2011.

The Unit continues to be actively involved in the Juvenile Detention Alternative Initiative Project. The initiative works towards reducing reliance on secure confinement without sacrificing public safety. One of the goals is to shift spending from detention to community-based detention alternatives. Included in the initiative is a working risk assessment tool, a steering committee and the girls work group to address issues specific to the female population at the Rhode Island Training School.

In 2011, the General Assembly allowed for electronic monitoring of juveniles as a detention alternative, and it is expected that the Family Court will start placing youth on electronic monitoring in 2012.

Kent County Office

The Kent County Office is located within the Philip Noel Judicial Complex in Warwick and is comprised of six attorneys, six support staff and a victim witness liaison.

The scope of the duties of the Kent County Office include, but are not limited to, all bail hearings, probation violation hearings, pre-trial conferences, various pre-trial motions and ultimately trial for all felony matters brought before the Court.

In 2011, the County Office disposed of 945 felony cases, of which 91.6% were disposed of by way of plea agreement with only 63 cases, or 6.7%, being dismissed pursuant to Rule 48(a). In addition, the Office handled 825 probation violators, as well as a myriad of miscellaneous matters, including post-conviction relief applications and motions for expungement.

In addition to these matters in Superior Court, the County Office also handles all matters in the 3rd Division District Court in which the Rhode Island State Police are the prosecuting agency, as well as all probation violation and bail hearings that come before that court. In 2011, Rhode Island District Court Chief Judge Jeanne LaFazia reorganized District Court and added six new cities to the 3rd Division, resulting in an increase in the volume of bail and violation hearings in both Superior and District Court by approximately 18%. Prosecutors appearing before the 3rd Division District Court disposed of 1,100 cases and handled approximately 779 probation violation hearings.

In 2011, of the 868 cases referred for felony screening, 210 cases were disposed of when the defendants declined to contest the charges and agreed to waive the formality of the information screening process. An additional 421 cases were charged by way of criminal information, while 27 cases were referred for grand jury presentation.

The Kent County Court also houses the pilot program in District Court to provide alternative sentencing options to military veterans. The Alternatives to Sentencing and Trauma Recovery in Rhode Island program is a jail diversion program that is funded through a grant with the Kent Center and the Department of Behavioral Health, Developmental Disabilities and Hospitals. The program is intended to provide treatment options that will result in a reduction of charges and/or alternative sentencing, thereby diverting offenders from incarceration.

Medicaid Fraud & Patient Abuse Unit

In 2011, the Unit returned \$1.16 million to the State's Medicaid program in settlement agreements with pharmaceutical companies.

The Medicaid Fraud Control and Patient Abuse Unit enforces laws pertaining to fraud in the state Medicaid program and prosecutes cases of abuse, neglect or mistreatment of patients in all state healthcare facilities. The Unit prosecutes criminal activity, pursues civil remedies where appropriate

and participates with federal and state authorities in a variety of inter-agency investigations and administrative proceedings. Unit prosecutors, auditors, investigators and health care professionals employ a multi-disciplinary approach to combat health care fraud and patient abuse.

The Unit works closely with federal and state authorities to investigate pharmaceutical companies who overbill and de-fraud the State's Medicaid program. In 2011, the Unit returned \$1.16 million to

the State's Medicaid program in settlement agreements with pharmaceutical companies, including \$562,910 settlement with CVS to resolve allegations that the company overcharged Medicaid for prescription drugs.

Narcotics & Organized Crime Unit

In 2011, the Narcotics and Organized Crime Unit (NOCU) continued in its three primary areas of responsibility to investigate, manage and prosecute all criminal cases involving narcotics and organized crime offenses, handling all aspects of asset forfeiture and representing the State of Rhode Island in the Providence County Adult Drug Court.

In the area of narcotics prosecution, the members of the Unit are responsible for representing the State in a variety of court proceedings including trials, pre-trials, violation hearings and bail hearings. Unit prosecutors also are responsible for drafting and editing documents related to the electronic surveillance of targeted offenders, the management and oversight of electronic surveillance investigations, providing legal advice and assistance to police departments, working with law enforcement on investigating narcotics-related activity and presenting narcotics-related investigations to county and statewide grand juries. In 2011, the Unit disposed of 918 controlled substances cases, accounting for approximately 55 percent of the total number of cases handled by the Unit.

In addition to prosecuting all organized crime-related cases before trial juries, the Unit works closely with police on both traditional and nontraditional organized crime-related cases. The Unit provides document support and case management on electronic surveillance cases involving alleged organized crime figures and works with police and other members of the criminal justice system to develop cooperating witnesses and confidential informants.

The attorneys assigned to NOCU also prosecute a variety of other criminal offenses. Due to the close relationship between the prosecution of narcotics-related offenses and the use of firearms, the Unit is responsible for prosecuting most of the cases on the Providence Superior Court's Gun Calendar. Additionally, a member of the Unit is responsible for the coordination of firearms prosecution between state and federal authorities, communicating on a daily basis with the U.S. Attorney's Office to review all firearms cases and to determine which jurisdiction is most appropriate to bring charges.

In 2011, NOCU continued to represent the State before the Providence Superior Court's Adult Drug Court, a special court that handles cases involving offenders who are addicted to drugs. The Court seeks to help such offenders through an extensive supervision and treatment program. A lack of allocated funds beginning in June, 2012 seemed to signal an end to the program before recent changes in the funding plans were announced which might allow the program to continue. During 2011 the Unit identified and addressed recurring issues surrounding both a laxity in the Court's approach to applicants and the same laxity with regard to chronic non-compliance by participants.

NOCU is also responsible for processing all narcotics, gambling and racketeer-related asset forfeitures. Proceeds from the sale of forfeited assets represent an important source of ongoing drug

and crime suppression efforts of the state and local police. In 2011, the Unit processed \$1,460,953 in total cash and property seized and \$1,295,659 in cash and property forfeited.

Newport County

Located in the historic Florence Murray Judicial Complex, the Newport County office is responsible for all county-wide felony prosecutions from the following police departments: Newport, Jamestown, Portsmouth, Middletown, Tiverton, Little Compton, State Police-Portsmouth and Department of Environmental Management.

In 2011, the Newport County office disposed of more than 326 cases in Superior Court and closed out 241 violation matters. Four cases went to trial, resulting in one conviction, one plea, one not guilty by reason of insanity and one not guilty verdict.

The Newport County District Court calendar continued to be busy throughout 2011, with 25 bail hearings, 170 violation hearings and 101 pre-trial conferences. An essential element in the smooth and efficient operation of a county office is the ability to effectively waive criminal informations, thus reducing the amount of cases submitted to screening and added to the criminal calendar. In 2011 prosecutors charged 197 cases through information screening and waived 110.

Traffic Safety Resource Prosecutor

Federally funded, the Traffic Safety Resource Prosecutor (TRSP) oversees the prosecution of all alcohol-related driving accidents, law enforcement training and community outreach for motor vehicle issues, and assists the Department of Transportation (DOT) with highway safety public policy and education initiatives.

In 2011, the TRSP developed and presented 14 motor vehicle-related training programs for law enforcement officers and city and town solicitors. Topics of the presentations included racial profiling and the motor vehicle stop, courtroom preparation, DWI and search and seizure, medical records in the prosecution of DWI cases, prosecution of the observation case, and how to obtain a warrant in a DWI death resulting cases, among others.

The Zero Fatalities Program is an underage drinking program held prior to prom and graduation season where high school juniors and seniors are brought to the prison to see firsthand the dangers of reckless conduct and drinking and driving. In 2001, more than 1,000 students participated in the program.

The TRSP also supported the Zero Fatalities Program (ZFP) with the DOT, Department of Corrections, Mothers Against Drunk Driving and the Rhode Island Family Court. The ZFP is an underage drinking program held prior to prom and graduation season where high school juniors and seniors are brought to the prison to see firsthand the dangers of reckless conduct and drinking and driving. Students hear from young inmates serving long jail sentences for DWI death resulting cases and hear from the parents of young victims killed in DWI crashes. In 2011, more than 1,000 students and faculty attended the program.

In addition, the Attorney General partnered with DOT and local police departments to sponsor a seat belt awareness program across the State. Variable message signs were placed at more than 20 high school football games and many schools held school-wide assemblies to discuss the important life-saving role of seat belt use.

The TRSP is involved in all stages of the prosecution of motor vehicle crash cases. One of the goals of the program is to have early involvement and provide assistance to law enforcement at the time of the crash. In this capacity, the Office of the Attorney General provides a great resource for police departments in their initial decision-making process and in obtaining warrants for evidence in criminal cases. If the offense rises to the level of criminal negligence, the TRSP prosecutes the cases for the Office of Attorney General.

Victim Services Unit

The Victim Services Unit provides an array of services to felony crime victims and their families. Advocates are assigned to victims and their families to provide guidance and support through the criminal justice process - informing them of their rights, notifying them of the status of the offender's case, providing personal assistance at court appearances and helping them better understand and participate in the legal process. In addition, the Unit provides referrals to other victim-service provider agencies and support groups that can further assist victims with financial, legal, medical and emotional problems resulting from the crime. Unit advocates also assist prosecutors with all victim-related matters.

In performing these services, the staff works closely with highly traumatized victims and families in homicide, driving death, child molestation, sexual assault, human trafficking and domestic violence cases as well as other felony cases - answering questions, overcoming fears, explaining court procedures, notifying them of the status of the offender's case, sharing concerns, addressing safety issues, assessing overall needs and accompanying victims to court proceedings.

Advocates are assigned to assist victims and their families through the various stages of the criminal justice process - bail hearing, pre-arraignment/arraignment, violation hearing, grand jury, pretrial, trial, appellate and post-conviction process. The Unit also collaborates with other agencies - RI Department of Probation and Parole, RI Parole Board, Superior Court Restitution Unit and RI Department of Corrections Office of Victim Services - in an effort to provide a seamless transition for victims at the conclusion of the Superior Court process.

The Unit has an "on call" system for advocates to work with police departments and prosecutors on homicide cases, with the goal of establishing contact with the victim's family within 24 hours. Two advocates are on call at all times. Information on victim compensation (including applications for emergency funeral and burial expenses), support services and case status are made available to each family. "On-call" prosecutors also have an advocate available to them during the weekend.

The team provides services to Spanish-speaking victims in their native language with forms, brochures and letters, and also provides outreach to area schools, elderly centers and community centers.

In 2011, the Victim Services Unit handled approximately 5,500 cases and generated more than 20,000 status notices to victims. In providing personal support, advocates accompanied victims to more than 1,800 court proceedings - such as bail hearings, violation hearings, pretrial conferences, trials and Supreme Court arguments as well as interviews with prosecutors. More than 1,000 referrals were made to other agencies for further assistance, and more than 4,000 telephone contacts were made on victim-related matters. The Unit also provided 120 letters of notification to victims as it related to the Rhode Island Supreme Court appeal process.

Also in 2011, the Unit referred 200 victims to the RI Victim Assistance Portal (RI-VAP). RI-VAP is a secure web portal that serves victims of crime in Rhode Island (or approved guardians/significant others) with a broad range of information relevant to their offender's case. The Unit continued to work closely with the developers of the RI-VAP to make necessary enhancements to ensure that victims are able to access information about their offenders' cases in "real time." The information includes court events, incarceration status and status of court-ordered restitution on misdemeanor cases. The Victim Services Team and RI Justice Assistance are the portal's administrators. Approximately 50 victims and advocates were registered and approved in 2011.

Also in the summer of 2011, Ana Giron, the Victim Services Unit Director, provided instruction on "victim services in the criminal justice system" as part of the curriculum for the Rhode Island State Victim Assistance Academy. In September of 2011, victim services instruction was also provided to the Rhode Island State Police recruits at the Training Academy. Unit staff participated in the Firearms and Domestic Violence Symposium sponsored by the RI Coalition Against Domestic Violence. In November, the advocates were invited by the Department of Corrections to participate on a panel at the Rhode Island Re-Entry Summit to highlight "the role of victims in offender re-entry."

Team members also continued to receive specialized training on issues related to domestic violence, child molestation/sexual assault, elder abuse, human trafficking, victims with disabilities and mainstreaming services to LGBTQ (lesbian, gay, bi-sexual, transgender and questioning) in an effort to better serve Rhode Island's diverse victim populations. In an effort to provide outreach to the community, advocates participated in the "Back to School Celebration" along with members of the Consumer Protection Unit at the Nathaniel Green Middle School in Providence this past summer.

Ana Giron serves as Board President for the Rhode Island Coalition Against Domestic Violence and serves on the Crime Victim Service Provider's Steering Committee, which plans and sponsors events for National Victim's Rights Awareness Week, including the annual Victim's Grove Ceremony. In addition, Ms. Giron is part of the Steering Committee for the RI State Victim Assistance Academy and collaborates on the Victim/Offender Dialogue Committee/RI Department of Probation and Parole.

Washington County

Located within the J. Howard McGrath Judicial Complex in Wakefield, R.I., the Washington County Office is responsible for all countywide felony prosecutions from the following police departments: North Kingstown, South Kingstown, Narragansett, Charlestown, Richmond, Hopkinton, Westerly, New Shoreham, University of Rhode Island, the Department of Environmental Management and the Rhode Island State Police cases originating from the Wickford and Hope Valley Barracks.

2011 was a productive one in Washington County with more than 341 pending cases disposed of in Superior Court and over 514 in District Court. An essential element in the smooth and efficient operation of a county office is the ability to effectively waive criminal informations, thus reducing the amount of cases submitted to screening and added to the criminal calendar. In 2011 prosecutors were able to waive 78 cases from the District Court to dispositions in the Superior Court.

Since July the Washington County Office focused on clearing out all matters pending grand jury presentment. In 2011, 11 cases were presented to the Washington County Grand Jury and 2 to the Statewide Grand Jury for Washington County, resulting in 10 true bills and 3 no true bills.

White Collar Crime Unit

The White Collar Crime Unit prosecutes any crime that can be committed with a pen, calculator or computer instead of a mask, gun or knife. Larcenies, embezzlements, fraudulent conversions, obtaining money under false pretenses, forgeries, trademark infringements, mortgage fraud, insurance fraud, computer crimes, identity thefts and others are the Unit's targets.

In other words, the Unit handles crimes of sophistication, deception and ingenuity rather than fear, violence or intimidation.

The White Collar Unit resulted in \$2.9 million in court-ordered restitution to victims.

In an ailing economy, unscrupulous people will do desperate things to sate their thirst for money, which, unfortunately, includes stealing from others. The Unit prosecutes crimes of sophistication and deception and this year, the subjects of its investigations were as diverse and varied as the schemes they devised to acquire their ill-gotten gains.

In 2011, efforts were devoted to the investigation and prosecution of traditional financial crimes, such as embezzlement, obtaining money or property by false pretenses, wrongful conversion, forgery and banking violations, in addition to crimes relating to mortgage and loan fraud, which recently have become more widespread. The Unit endeavors to investigate all allegations of such activity, placing heavy emphasis on those that have a significant impact on individual victims or on the public at large. Recognizing the extreme stress and financial upheaval suffered by victims of financial crime, one of the Unit's primary goals in these prosecutions is asset location and restitution recovery for victims.

The Unit's efforts in 2011 resulted in \$2,867,457 in court-ordered restitution and, of that amount, \$373,485 was returned immediately to victims at the time of defendants' guilty pleas.

The Unit also examined official misconduct by government officials and employees at the state and municipal levels, including allegations of theft, forgery, bribery and embezzlement.

The rapid proliferation of computers and smartphones has brought with it a wide array of computer-facilitated crimes, requiring the Unit to become deeply involved with high-tech methods of identifying and prosecuting such crimes. Consequently, the Unit has increasingly focused on crimes committed through the use of computers and the Internet, such as network intrusions, identity theft, auction fraud, phishing scams, online fencing of stolen goods, online financial crimes, indecent online child solicitation and child pornography. The Unit works closely with law enforcement agencies specializing in computer crime - like the Rhode Island State Police Computer Crimes Unit - and regularly prosecutes cases investigated by Rhode Island's Internet Crimes Against Children Task Force. Additionally, the Unit advises others within the Office and external agencies on computer-related issues that often arise in the course of more traditional violent-crime investigations.

Members of the Unit have also undertaken efforts to modernize the State's laws in the areas of financial and computer crime, assisting in the drafting of legislation to give law enforcement the tools it needed to combat financial and other crimes in an increasingly technological world.

		SU	PERIOR	COURT CASE	CASE STATISTICS	2011				
		FILED			DISPOSED		¥	ACTIVE PENDING SC	DING SC	
COUNTY	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	
KENT COUNTY	30	901	931	35	818	853	9	256	262	
NEWPORT COUNTY	19	336	355	25	348	373	4	100	104	
WASHINGTON COUNTY	36	390	426	27	388	415	16	142	158	
PROVIDENCE COUNTY	118	3766	3884	121	3904	4025	144	2264	2408	
STATEWIDE	203	5393	9655	208	5458	9995	170	2762	2932	
			AGE	AT DISPOSITION	TION					
	LESS TH/	LESS THAN 90 DAYS	91-180 DAYS	DAYS	181-270	181-270 DAYS	271-36	271-360 DAYS	OVER	R 360 DAYS
COUNTY	MISD	FELONY	MISD	FELONY	MISD	FELONY	MISD	FELONY	MISD	FELONY
KENT COUNTY	18	500	5	229	7	83	2	42	3	65
NEWPORT COUNTY	11	215	9	51	3	15	1	19	4	48
WASHINGTON COUNTY	18	211	3	70	1	18	0	32	5	57
PROVIDENCE COUNTY	24	1420	28	738	21	542	12	351	36	853
STATEWIDE	71	2346	42	1088	32	959	15	444	48	1023
		MA	NNER OF	DISPOSITIONS	ONS - FELONIES	VIES				
COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM JA	MISTRIAL	HUNG JURY	OTHER	TRIALS (Court)
KENT COUNTY	2	5	1	842	67	1	0	0	0	6
NEWPORT COUNTY	1	0	4	304	38	0	0	0	0	2
WASHINGTON COUNTY	4	-	1	23	3	0	0	0	0	4
PROVIDENCE COUNTY	40	15	17	3480	354	0	2	2	0	53
STATEWIDE	47	21	23	4649	462	1	2	2	0	89
		MANNER		TION - MI	OF DISPOSITION - MISDEMEANOR	R APPEALS				
COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM JA	MISTRIAL	HUNG JURY	OTHER	TRIALS (Court)
KENT COUNTY	Η	2	7	22	10	0	0	0	0	3
NEWPORT COUNTY	0	0	2	17	5	0	0	0	0	_
WASHINGTON COUNTY	0	0	1	23	8	0	0	0	0	0
PROVIDENCE COUNTY	2	5	12	98	19	0	0	1	0	4
STATEWIDE	3	7	16	148	37	0	0	1	0	8
		MANN	IER OF DISP	- NOILISO	STATEWIDE	E TOTALS				
COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM JA	MISTRIAL	HUNG JURY	OTHER	TRIALS (Court)
KENT COUNTY	3	7	2	864	77	1	0	0	0	12
NEWPORT COUNTY	1	0	9	321	43	0	0	0	0	3
WASHINGTON COUNTY	4	-	2	46	9	0	0	0	0	4
PROVIDENCE COUNTY	42	20	29	3566	373	0	2	3	0	57
STATEWIDE	50	28	39	4797	499	П	2	3	0	76

Statistics are based upon reports generated by the R.I. Supreme Court Judicial Planning Unit on February 15, 2012. Detailed trial statistics are based upon manual statistics as maintained by the Department of Attorney General.

Appendix of Significant Civil and Criminal Cases and Investigations

Civil Division

Berman v. Sitrin

This case was brought by a man who was rendered a quadriplegic after a fall on the Cliff Walk in Newport. The plaintiff's economic damages alone exceeded \$8 million from the State and the City. Immediately before trial, the City of Newport settled with the plaintiff for \$2 million. The State proceeded to trial, offering evidence and testimony that the State was not liable for the plaintiff's damages. After a trial of five days, the jury found that the State was not negligent. The matter remains pending and will be reviewed by the Supreme Court.

Roy v. DEM

The plaintiff in this case became a quadriplegic after diving into shallow water at World War II State Park in Woonsocket. Brett Roy, his wife and his children sued the State, claiming liability under the Recreational Use Statute, which applies to landowners who allow the public to use property for recreational purposes without charging a fee. The plaintiffs asked the jury to award them more than \$40 million. After a trial which lasted a total of 21 days, the jury returned a verdict in favor of the State. This matter remains pending and will be reviewed by the Supreme Court.

Elections/voting cases

Prior to the 2010 elections, a number of cases were brought in both state and federal courts, challenging various aspects of the State's election and voting laws. The Office of Attorney General defended each case. In every instance, the laws that were challenged were upheld by the Court, and no interruption to the election cycle or cost to the State resulted.

Boyer v. Jeremiah

Plaintiffs, juveniles and their parents or guardians sued Chief Judge Jeremiah of the Family Court and magistrates handling the Truancy Court, the Family Court administrator and director of juvenile services for alleged constitutional violations occurring during intake and proceedings before the Truancy Court. The State filed a motion to dismiss in the Superior Court which was denied. The State then requested immediate review, which was granted. The matter is now being reviewed by the Supreme Court.

Cassie M. v. Chafee, et al (formerly Sam and Tony M., et als v. Carcieri, et al.)

The Child Advocate, Children's Rights Organization and a local RI attorney filed a complaint with the United States District Court of the District of Rhode Island in the name of ten children who are or were in the State's foster care system. The plaintiffs' counsel sought to have the case certified as a class action on behalf of approximately 3,000 children in foster care. The Office of Attorney General is representing the Governor and the Directors of the Department of Children, Youth and Families and the Office of Health and Human Services. The Attorney General, in conjunction with legal counsel from DCYF, objected to class certification and filed a motion to dismiss the amended complaint. The Honorable Ronald Lagueux granted the State's motion based on the question of the adequacy of the next friends but the First Circuit Court of Appeals remanded the case back to District Court. After Judge Lagueux recused himself, the case was assigned to the Chief Judge of the District Court, the Honorable Mary Lisi. The State renewed its motion to dismiss on grounds of abstention,

mootness and the lack of a private right action. The District Court granted the motion in part, and denied it in part. The cases of eight of the plaintiff children were dismissed based on mootness. The Court also abstained on any remedy that involved placement, length of time in care, etc. based on the <u>Younger</u> Abstention doctrine. The Court denied the State's motion as it pertained to training, caseload caps and array of foster homes. The plaintiffs recently filed a Second Amended Complaint adding five new plaintiff children. The defendants will file their answer. A discovery hearing has been set.

United States, et al v. American Express Company, et al.

This is a multistate litigation case in the United States District Court for the Eastern District of New York. Rhode Island is one of 16 Plaintiff States, along with the United States Department of Justice. The central allegations in the States' complaint involve the fees charged by American Express to merchants who accept American Express as a means of payment for goods and/or services. This case is in discovery where all parties to the litigation are providing documents that are currently being reviewed

<u>Dynamic Random Access Memory (DRAM) Antitrust Litigation; State of California, et al. v. Infineon Technologies, et al.</u>

This is a multistate case that was filed in the United States District Court for the Northern District of California. There are 36 states, including Rhode Island, participating as plaintiffs in this matter. This antitrust action arose from allegations that the defendant DRAM manufacturers discussed and coordinated the prices they charged to large computer manufacturers, commonly known as OEMs ("Original Equipment Manufacturers") and to their customers. Electronic products with DRAM (dynamic random access memory) are purchased by a variety of customers – individuals, businesses, schools and government bodies, both in this country and throughout much of the world.

The States, as purchasers of electronic products, are among the DRAM cartel's alleged victims, as indeed are the States' end user consumers. Accordingly, the States brought this action on their own behalf and on behalf of state agencies, political subdivisions, natural persons and/or businesses as warranted by federal and state laws, to recover damages, restitution and/or disgorgement of the alleged illegal overages that consumers paid as a result of the DRAM manufacturers' price fixing. In addition to injunctive relief, the States also are seeking attorneys' fees, costs and civil penalties under state and federal law. Settlement negotiations have gone well and a number of the defendants have settled, in principal, with the States.

In re Estate of Violette M. Connolly

Petitioners, Town of New Shoreham and Executrix of Ms. Connolly's estate filed a joint petition to aid in the construction and application of funds devised through Ms. Connolly's will. Ms. Connolly devised a portion of her real property to be held "in trust" by the Town of New Shoreham for year-round rental housing for police officers in the Town of New Shoreham. The property was sold to provide for Ms. Connolly's care and at her death, the estate was valued at over \$600,000. To ensure that the wishes of the testator were honored, the Office of Attorney General and the petitioners met on several occasions. The parties were ultimately able to reach an agreement by which the proceeds from the sale of Ms. Connolly's property would be combined with funds from the Town of New Shoreham. The combined funds would be used to purchase new housing in the Town of New Shoreham that would provide year-round rental housing for police officers. An order was entered in November, 2011 permitting the above.

Bank of America v. Westerly Hospital and Peter Kilmartin

Bank of America, trustee of the Charles A. Morgan Trust, filed a petition asking the Court to approve a \$3.5 million distribution from the Trust, which was established for the benefit of Westerly Hospital. This distribution would be funded by the Trust's undistributed income and trust principal to assist the hospital's "financial stability." Given the terms of the trust, the Office of Attorney General expressed concerns with Bank of America's proposed distribution but ultimately the parties were able to reach an agreement. An order was entered in September, 2011 permitting the distribution and reformation of the trust.

State of Rhode Island v. Dannon, Co., Inc.

This was a multistate investigation regarding advertising claims that Dannon made with respect to the alleged health benefits of their health products, in particular, Activia, and the lack of scientific support for their assertions. An Order approving the Assurance of Voluntary Compliance was entered on January 10, 2011 and the Rhode Island Office of Attorney General received \$425,000 as Rhode Island's share of the settlement proceeds.

State of Rhode Island v. DirecTV

This settlement was the result of a multistate investigation of allegations that DirecTV violated the Deceptive Trade Practices Acts in various states with respect to its advertising and business practices. An order approving the assurance of voluntary compliance, providing both injunctive and monetary relief, was entered January 10, 2011 and the Office of Attorney General received \$185,000 in restitution on behalf of the State of Rhode Island.

State of Rhode Island v. AstraZeneca Pharmaceuticals LP (Seroquel)

This was a multistate settlement of a consumer investigation into AstraZeneca's off-label marketing and sales of the drug Seroquel. The Consent Judgment provided both injunctive and monetary relief and was approved by the Superior Court on March 22, 2011. The State of Rhode Island received \$937,787 as its share of the settlement.

State of Rhode Island v. GlaxoSmithKline, LLC and SB Pharmco Puerto Rico, Inc. (Cidra)

This was a multistate consumer protection settlement with GlaxoSmithKline (GSK), a manufacturer and marketer of pharmaceutical products. Cidra was a GSK plant that manufactured certain drugs in Puerto Rico; those drugs were then marketed by GSK. The company that owned the Cidra plant, SB Pharmaceuticals, is a wholly-owned subsidiary of GSK. The State of Rhode Island received \$564,503 as its share of the settlement proceeds in this matter.

State of Rhode Island v. David Conti, Lucy Ruiz, d/b/a Mortgage Modification Center, d/b/a IMOD Corporation, d/b/a Latin Service International, et al

The central allegations of the case were that defendant David Conti and his associates had violated the Mortgage Foreclosure Consultant Regulation Act, which, pursuant to statute, is enforced by the Attorney General through the provisions of the Deceptive Trade Practices Act. The State's verified complaint alleged that Conti and the other defendants charged upfront fees for mortgage modifications, a clear violation of the statute. Conti and his associates also were using the names of local and out-of-state attorneys in their solicitations. Conti rarely, if ever, produced successful results for these financially distressed consumers. The State's motion for a temporary restraining order was granted by the Superior Court and a preliminary injunction hearing was scheduled. At the time of

that hearing the defendants agreed to stipulate to a permanent injunction and to make restitution to three consumers in the amount of \$5,500. The defendants paid that amount and an additional \$800, the full amount of attorneys' fees requested in the State's motion.

State of Rhode Island v. Janice McCarthy d/b/a East Coast Fidelity, LLC, d/b/a Fidelity Corp

The Attorney General's Consumer Protection Unit received a number of complaints from around the country concerning defendants East Coast Fidelity and Janice McCarthy. All of the complaints alleged that McCarthy and her associates had violated the Mortgage Foreclosure Consultant Regulation Act, which, pursuant to statute, is enforced by the Attorney General through the provisions of the Deceptive Trade Practices Act. The State's verified complaint alleged that McCarthy had charged upfront fees for mortgage modifications, a clear violation of the statute. There was no evidence that any mortgage modifications had ever been obtained for these financially distressed consumers. The State's motion for a temporary restraining order was granted by the Superior Court and a preliminary injunction hearing was scheduled. At the time of that hearing the defendants agreed to stipulate to a permanent injunction and to make restitution to three consumers in excess of \$3,000.

State of Rhode Island v. John Cipolla d/b/a Wedding Stories RI

The Attorney General's Consumer Protection Unit received several complaints against the defendant for non-delivery of wedding videos. The Office issued a Civil Investigative Demand and the defendant agreed to a schedule to provide consumers with their wedding videos. An order approving the assurance of voluntary compliance (AVC) was entered with the Court on April 22, 2011. The defendant complied with the AVC and wedding videos were delivered to the consumers.

State of Rhode Island v. Scott Champagne and TLC Photography and Sports Solutions, LLC

Several consumers filed complaints that they had contracted with the defendant to purchase photographs that were taken at an event held at a church in Rhode Island in 2009. The defendant required prepayment for the photo packages but failed to deliver the photo packages until the Office of Attorney General issued a Civil Investigative Demand.

State of Rhode Island v. Stephen Passarelli d/b/a A Better Sound

The defendant required prepayment for wedding services including wedding invitations, limousine services, DJ services, wedding photography and videography. The Office received several consumer complaints that resulted in the issuance of a Civil Investigative Demand. The defendant failed to appear for the scheduled CID. As such, the Office filed a motion to enforce the civil investigative demand. An order was entered compelling Stephen Passarelli to appear and give testimony pursuant to the terms and conditions of the civil investigative demand.

State of Rhode Island v. Gian C. Iannuccilli d/b/a Gian Carlo's Ristorante

In a tough economy it is not unusual for restaurants to go out of business. In this case, an upscale Woonsocket restaurant, Gian Carlo's Ristorante, went out of business with over \$2,200 in outstanding gift certificates still held by consumers. The Attorney General received numerous complaints and entered an assurance of voluntary compliance with the owner. After a number of court appearances, the consumers who had filed complaints were made whole.

State of Rhode Island v. Richard Harris d/b/a Dave's TV and VCR, aka Projection TV Specialists aka Big Screen Sales and Service, et al

The defendant operated a television repair shop from numerous locations in Rhode Island over a number of years. The Attorney General received complaints concerning payment for services that were never received and televisions that were taken to be repaired, but never returned to their owners. After numerous court appearances, the Superior Court granted the State's motion for a preliminary and permanent injunction and awarded six witnesses \$8,266 (plus statutory interest) in restitution for their losses. Harris, pursuant to the Court's order, is no longer allowed to hold himself out to the consuming public as a TV repair person.

State of Rhode Island v. Michael O'Hare, Jeff Eaton, Rhode Island Cruise Co. d/b/a The Bay Queen Cruises, et al

Consumers had booked and paid deposits to cruise on the Bay Queen for special events, but when the Rhode Island Cruise Company, operator of the Bay Queen, went out of business many groups were left high and dry. The Attorney General filed an action in Superior Court seeking restitution for consumers of approximately \$24,000. An agreement through an assurance of voluntary compliance was reached and approved by the Court. The defendant owners of the Rhode Island Cruise Company complied with the agreement and the complaining consumers received 100% of their deposits.

State of Rhode Island v. Paul Nedovich, Individually, and Riverfront Associates, LLC d/b/a Atlantic Inn Resort

The Attorney General received complaints that defendants had double-sold time shares at a Rhode Island time share resort. Defendant Paul Nedovich met with the Attorney General's Consumer Protection Unit a number of times, but failed to respond to the Attorney General's pleadings that had been filed with the Superior Court. The State was granted final judgment against the Defendants in the amount of \$13,905, plus statutory interest from the time the State filed the action.

Criminal Division

State v. Deanthony Allen

After a jury trial in November, the defendant was found guilty of 1st degree child abuse which left Johnnel Marks (four months old) permanently disabled. Testimony from Dr. Slingsby of Hasbro Children's Hospital outlined the extensive damage to Johnnel's brain and the cause of his injuries, helping to secure the conviction. Judge Rodgers followed the State's recommendation and sentenced the defendant to the maximum allowable by statute, 20 years to serve.

State v. Robert Baez

Robert Baez was convicted of DWI, death resulting, for a double fatal crash on Route 295 in Smithfield. Baez and a group of underage friends had been drinking at a bar in Providence. At closing time, Baez volunteered to drive home. He lost control of the vehicle and killed two of his friends in the crash. Baez was paralyzed from the waist down. He was sentenced to 12 years with 42 months to serve and the remainder suspended with probation.

State v. Emanuel Baptista

Emanuel Baptista molested and abused a four-month-old child in his care. The child's mother sought medical attention for the four-month-old after it was reported to her by the defendant that the infant had choked on a baby wipe earlier in the day. Following a medical exam, the child was found to have bruises to the cheek, lips and tongue, a torn frenulum, abrasions to her pallet in the back of her throat and an inflamed throat, as well as significant injury to her vaginal area, broken ribs and fractures to both arms. When confronted by police, Baptista admitted to molesting and abusing the child. After a jury trial, Baptista was found guilty and was sentenced to two life sentences to run concurrent, plus 20 years, 10 years to serve, 10 suspended with probation consecutive to the life sentences.

State v. Joel Beaulieu

In a jury waived trial before Judge Melanie Wilk Thunberg, the defendant was found not guilty by reason of insanity. The defendant had been accused of murdering his father in September of 2010 and seriously assaulting his mother with the intent to kill her. The defendant suffered from serious mental illness. The trial lasted three days and both the State's and the defendant's expert agreed on the ultimate conclusion that the defendant was not responsible for criminal conduct. The experts found and the court accepted that at the time of such conduct, as a result of mental disease or defect, his capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was so substantially impaired that he could not justly be held responsible.

State v. Edward Blyden

The defendant pled to five cases involving a spree of negotiating bad or fraudulent checks. The total combined loss was approximately \$17,000. He received a sentence of 10 years; two years to serve on home confinement and the remainder suspended, with probation and restitution.

State v. Robert Brennan

The defendant, a 67-year-old lawyer, embezzled approximately \$68,000 from his clients. He pled guilty and was sentenced to 10 years probation with \$68,000 restitution.

State v. Kayborn Brown

Kayborn Brown was sentenced to life in prison for the 2009 beating death of a Central Falls man, plus 10 years to serve for conspiracy to commit robbery, 10 years for possession of a firearm and one year for reckless driving, with each of the sentences running consecutively. The victim, while walking home from his job, was just steps away from his home in Central Falls when he was accosted by two males, brutally beaten and killed during a robbery.

State v. Christian Buchanan

Christian Buchanan was found guilty by a jury in Newport County of child molestation. Buchanan sexually molested a young female during a three year period, starting when she was only ten years old. The young woman reported the abuse to her mother, who in turn reported the molestations to police. When confronted with the allegations, the defendant confessed to the molestation. Buchanan was sentenced to 40 years, with 20 to serve on one count of first degree child molestation and 25 years, with 15 years to serve on each of three counts of second degree child molestation. He was ordered to attend sex offender counseling and to register as a sex offender.

State v. Elias Caswell

Elias Caswell was charged with leaving the scene of an accident with injury resulting and was convicted before Judge William Carnes Jr. after trial. This defendant struck a pedestrian on a bicycle, coldly drove back to the scene and then took off after he observed the victim's clear and obvious injuries. This matter is pending sentencing before Judge Carnes.

State v. Danny Chhoeur

Danny Chhoeur was a member of the Darkside gang that had close affiliations with the Oriental Rascols gang. In the Spring of 2010, Darkside and the Oriental Rascols were feuding with their rivals, the Providence Street Boyz and the Young Bloodz. Chhoeur decided to arm himself with a pistol during a period of numerous shootings between the groups. Chhoeur hid his pistol behind the bumper of his new BMW. At suppression hearing, Chhoeur argued that the police had no right to search his vehicle based on nothing more than an anonymous tip. The State argued that the examination of the exterior of a vehicle is not a search. After testimony and argument, the Court ruled for the State – Chhoeur plead guilty and was sentenced to 10 years, with one year to serve.

State v. Lawrence Clay

Lawrence Clay was ordered to serve 30 years for the kidnapping of a Middletown girl and reckless driving after being found guilty by a Newport County jury. Clay had encountered a 14-year-old girl and threatened her, telling her to get into his car because he had a gun. After driving around for a few hours and crossing state lines into New Bedford, it is alleged that he raped the victim before she was able to escape from the car. He was captured shortly thereafter following a car chase that ended with Clay crashing into another vehicle.

State v. Joseph Colanduano

Joseph Colanduano, a former Providence Police officer, pled guilty to two counts of conspiring to violate the uniform controlled substance act, larceny over \$500 and harboring a criminal after a four-month Operation Deception wiretap investigation by the Office of Attorney General, the Rhode Island Police and Federal Bureau of Investigation, which resulted in the arrest of three members of the Providence Police Department. Colanduono dealt drugs for a coconspirator and protected him

from other law enforcement officers. Rhode Island Superior Court Justice Robert Krause sentenced the former detective to 20 years, 8 years to serve with 12 years suspended with probation, for his involvement in the drug dealing scheme.

State v. Jonathan Comeau

Jonathan Comeau pled guilty to transmission of child pornography, possession and manufacturing of child pornography. Comeau was sentenced to seven years with 18 months to serve, with the remainder suspended with probation. The defendant must register as a sex offender upon release and agreed to numerous conditions, including not residing with any children 17 years of age or younger, no unsupervised contact with any children 17 years of age or younger, and may not possess, own or use a mobile device with Internet access.

State v. Silivina Costa

Silivina Costa was charged with four counts of obtaining money under false pretenses over \$500, one count of welfare fraud over \$500, one count of identity fraud, one count of food stamp fraud over \$500 and one count of giving a false document to a government official. It was alleged that she defrauded the State's welfare system of more than \$160,000. The defendant pled guilty and received a sentence of to 10 years: two years home confinement and the remainder suspended, with probation. In addition, there was a restitution order of \$40,000.

State v. Yoneiry Delarosa

Yoneiry Delarosa was found guilty by a jury for his role in a home invasion and robbery on Federal Hill and was sentenced to serve 30 years at the ACI. Delarosa, wearing a "Jason" mask, forcibly entered an apartment along with two other assailants, threatened and assaulted the residents, fired a gun in the vicinity of two children and took their television. Delarosa was found guilty of first degree robbery, conspiracy, breaking and entering a dwelling with residents on the premise, carrying a pistol without a license and use of a firearm in the commission of a violent crime. The codefendants each pled guilty of charges stemming from their roles in the home invasion.

State v. Alfred Deloge

Alfred DeLoge pled nolo contendere to second degree child molestation. He was sentenced to 20 years with 11 to serve and the remainder suspended, 20 years probation, sex offender counseling and registration and no contact order with the victim.

State v. William Duckworth

William Duckworth obtained money under false pretenses and misappropriated funds of approximately \$300,000. He pled to one count of obtaining money under false pretenses over \$500 and one count of misappropriation of funds over \$1,000. He was sentenced to 10 years: 3 years to serve and the remainder suspended with probation. He was also ordered to pay a total of \$285,000 in restitution, at a minimum of \$100 per week, to begin two months after his release from the ACI.

State v. Andrew Fakhoury

Andrew Fakhoury of New York pled nolo contendere to three counts of human trafficking, pandering and conspiracy to commit human trafficking. Fakhoury targeted young, vulnerable women and manipulated and intimidated them using psychological and physical abuse to force them into performing sexual acts for money. Advertisements featuring the women were posted on Craig's List

and other websites known for adult content and prostitution. Fakhoury was the first defendant the State charged with human trafficking since the statute was enacted in 2008 and amended in 2010. He was sentenced to 20 years, with 10 years to serve and 20 years suspended with probation.

State v. Matthew Fortin

Matthew Fortin pled nolo contendere to charges stemming from a boating accident that resulted in two fatalities. While taking a boat ride, the boat Fortin was driving crashed into Despair Island, located on the tip of Hope Island in Narragansett Bay. Two female passengers were ejected from the boat onto the rocks and killed. A distress call was received by the Coast Guard and the wreckage was later located on the island by Warwick Fire rescue. Fortin pled to boating while intoxicated death resulting, reckless boating death resulting, boating while intoxicated resulting in serious bodily injury and reckless boating resulting in serious bodily injury, and was sentenced to a total of 15 years, with 3 years to serve at the ACI and 3 years to serve on home confinement. The remainder of the sentence was suspended with probation.

State v. John Freeman, Charles Baker and Paul Gonsalves

These defendants assaulted a man, who as a result arrived at the hospital in a coma, and in addition, suffered multiple broken bones in his face. The victim remained hospitalized for several weeks. John Freeman and Charles Baker each pled and received a sentence of 10 years suspended with probation, a no-contact order with the victim, 75 hours community service and counseling as recommended by probation in an assault with a deadly weapon case resulting in serious bodily injury. Paul Gonsalves pled to 15 years suspended with probation and the same conditions of a no-contact order, counseling and community service.

State v. Kimberly Fry

Kimberly Fry was tried and convicted of second degree murder for the strangulation death of her 8-year-old daughter, Camden, after she had refused to take a bath. Fry had tried to control her daughter's tantrum by sitting on her and covering her mouth. When Fry's husband arrived home a few hours later, he found the defendant passed out on the couch. He then checked Camden's bedroom where she appeared to be sleeping in her bed. After Camden did not wake in the morning, her father checked on her once again and discovered her lifeless body in the bed. He immediately called 911. After her conviction, Kimberly Fry filed a motion for a new trial, which was later denied by Judge William E. Carnes Jr. Fry is awaiting sentencing and faces up to life in prison.

State v. James E. Gaffney

The defendant was found guilty of felony assault/domestic and was received the full sentence of 10 years, with five to serve and the remainder suspended plus an additional 10 years probation, batterers intervention program, mental health and substance abuse counseling and no contact with the victim.

State v. Daniel Gilcreast

Daniel Gilcreast pled nolo contendre to charges of Driving Under the Influence (DUI), death resulting, and DUI resulting in serious bodily injury stemming from an accident which resulted in the death of a Brown University freshman student and injury of another. The victims were struck by a motor vehicle driven by Gilcreast as they were walking along Hope Street. Gilcreast performed and failed field sobriety tests at the scene and refused to take a breathalyzer test. Providence Police, with the assistance of this Department, obtained a search warrant to take a blood sample from Gilcreast,

which determined the defendant's blood alcohol to be well in excess of the legal limit even four hours after the accident occurred. This case marked the first time the police obtained a search warrant to take blood samples of an individual involved in a DUI death resulting case since the law was changed in 2009. The defendant was sentenced to 15 years, eight years to serve, and seven years suspended with probation, five year loss of license and was ordered to attend alcohol counseling.

State v. Jorge Gonzalez

Jorge Gonzalez pled nolo contendere to felony assault/domestic and was sentenced to ten years with five to serve and the remainder suspended, plus an additional ten years of probation and no contact with the victim.

State v. Richard Gray

The defendant was originally under investigation for child pornography allegations. During the course of the investigation, it was revealed that there were also contact sex offenses, which led to subsequent charges. The defendant pled nolo contendere to two counts of second degree child molestation and one count of possession of child pornography. He was sentenced to 20 years; eight years to serve and the remainder suspended with probation, on each count of molestation.

State v. Christopher Hall

Christopher Hall pled guilty to charges stemming from an incident in which he opened fire on three Providence Police officers during a drug raid. Officers forced their way into the apartment after receiving no answer at the door and upon entering, Hall opened fire, hitting the three detectives. During the raid, detectives recovered more than a kilogram of crack cocaine, along with Hall's gun. Judge Robert D. Krause handed down a sentence totaling 50 years to serve; 20 of those years are to be served without the possibility of parole. On each of the counts of assault with a dangerous weapon, the defendant was sentenced to 20 years to serve; on the crime of possessing an ounce to a kilogram of cocaine, the defendant was sentenced to 50 years with 30 years to serve, concurrent to the sentence for assault with a dangerous weapon, the remaining balance of the defendant sentence to be suspended with probation. On the remaining counts of use of a firearm when committing a crime of violence, the defendant was sentenced to 20 years to serve without parole. This sentence is to be served consecutively to the other sentences imposed.

State of R.I. v. Judd

Charged with conspiracy to commit robbery, this defendant with a long criminal history waived information and was sentenced to 10 years at the ACI with five years to serve.

State v. Kevin Killoran

Killoran was convicted of leaving the scene of an accident, death resulting, for a fatal crash on Route 195 West that killed his passenger. After crashing the vehicle, Killoran fled on foot and was apprehended the next day by the Rhode Island State Police. Killoran was sentenced to 15 years, with seven to serve and the remainder suspended with probation.

State v. Adam Lake

After a jury trial, the defendant was found guilty of two counts offirst degree child abuse on his stepdaughter (nine years old). In this particular case, the State's medical expert's testimony about the

victim's lack of hymenal tissue was instrumental in securing a conviction. Sentencing was scheduled before Judge Judith C. Savage on March 19, 2012.

State v. George Langadousis

The defendant was charged with felony assault arising from an incident which occurred outside of the Fish Co. bar in the early morning hours of September 27, 2009. When police arrived on the scene, the victim was unconscious and bleeding. He had suffered multiple facial fractures which required surgery. The defendant pled nolo contendere to one count of felony assault and received a 20 year suspended sentence with probation. The additional conditions were that the defendant attend anger management classes, pay \$12,000 to the Victim's Compensation Fund and perform 100 hours of community service. A no contact order with the victim was also put in place.

State v. Theresa Larsen

Theresa Larsen was sentenced to 10 years for committing a felony assault against her 85-year-old father-in-law resulting in a fractured hip.

State v. Barbara Lavergne

Known as "the Travel Agent Fraudster," Barbara Lavergne ran a travel agency in North Smithfield for many years and then, in 2009, began stealing her customer's vacation payments and deposits. She pled to obtaining money under false pretenses over \$500, embezzlement, larceny and credit card fraud. The nearly 20 victims were owed a combined approximation of \$47,730 in restitution. The defendant was sentenced to 10 years suspended probation with restitution in the amount of the \$47,730.

State v. Feng Liang

The defendant obtained approximately \$500,000 under false pretenses from her former employer. The money was taken in periodic withdrawals made from the former employer's bank accounts over the course of approximately two years. The defendant had a gambling problem and detectives were able to document roughly \$800,000 worth of losses, attributable to her, at gaming establishments during this time frame. She was sentenced to 20 years; two years to serve and the remainder suspended, with probation and restitution. Conditions of probation included gambling counseling and self-exclusion from gaming establishments.

State v. Ernest Litterio

Following a lengthy hearing, the defendant was found to be a probation violator and sentenced to jail time for exploiting his 100-year-old mother. The defendant also repaid a significant sum of money which the victim had held in her safe deposit box for her funeral expenses.

State v. David Leite

David Leite pled guilty to second degree murder and was sentenced to life in prison. Leite stabbed Melissa Perry, with whom he had a relationship and resided, seventy-nine times. In addition to the stab wounds, Perry suffered broken ribs and a broken neck caused by blunt force trauma at the hands of Leite. After the murder, Leite drove to a nearby coffee shop, to his place of employment and then to Foxwoods to gamble. Police found Leite the next day after responding to a single car accident and found his car lodged against a tree. It was later determined he had purposely driven into the

tree. Rescue personnel found a note in his wallet in which he admitted that he had killed Perry and provided his address to lead police to discover Perry's body.

State v. Goring Matthews

Goring Matthews pled guilty to second-degree murder in the death of Richard Kilburn after the two had a dispute earlier in the day. The beating occurred across the street from the Crossroads Rhode Island shelter on Broad Street. Matthews was sentenced to 60 years, with 40 to serve and the remainder suspended with probation.

State v. Rachin McCoy

Rachin McCoy was sentenced to life after he pled to a charge of second degree murder in the death of his 48-day-old daughter. The baby girl, who had been left alone in his care, was found to have suffered head injuries, broken ribs, skull fractures and detached retinas. The baby's injuries were discovered when the defendant brought her to a cousin's house and eventually to the hospital, where she died three days later. McCoy is not eligible for parole on the life sentence for at least 20 years and is not eligible to earn time off for good behavior on the murder conviction.

State v. Xavier McNamara

The defendant was charged with first degree robbery with a handgun. He committed this robbery while on home confinement for another robbery. McNamara received a 20 year sentence; five to serve and the remainder suspended with probation.

State v. Antone Medeiros

Antone Medeiros pled nolo contendere to felony assault/domestic and assault with a deadly weapon with intent to murder. He received a sentence of 25 years, with 12 to serve and the remainder suspended with probation. A no contact order with the victim was put in place and the defendant was ordered to participate in a batterers intervention program and pay restitution.

State v. Daniel Mercedes

Daniel Mercedes was found guilty of one count of first degree child molestation and one count of first degree sexual assault. The victim disclosed the molestation and abuse to her pastor and then to her mother before reporting to the police about the abuse that had occurred over 20 years ago. During the trial, the State proved that Mercedes had engaged in sexual intercourse with a relative under the age of 14 and then also engaged in sexual penetration with the same victim after she turned 14, using force and coercion. Mercedes was sentenced to 35 years, 20 years to serve, 15 years suspended with probation, a no contact order was issued and Mercedes was ordered to register as a sex offender for life.

State v. Abraham Montijo

Abraham Montijo was ordered to serve seven years of a 20 year sentence for second degree sexual assault and second degree child molestation after he was found guilty by a jury. The Court also imposed 13 years probation, a no contact order with either victim, no unsupervised contact with any child under 18 without court approval and registration as a sex offender with community notification. In addition, the Court required Montijo to pay restitution for the counseling costs incurred by the two victims, who were both young relatives of Montijo.

State v. Marco Ortiz

Marco Oritz was just 14 years old when he stole a van from the Nickerson House in Providence. After sideswiping one vehicle, he sped towards the Olneyville section of Providence where he struck a second vehicle, crossed over on Route 10 into the Northbound lane of travel where he struck a third vehicle, killing the nine-year-old passenger. Ortiz was certified by the Family Court and sentenced to 15 years with 10 to serve.

State v. Suzanna and Rayfell Parker

This brother and sister duo defrauded Twin River Casino of approximately \$100,000. Rayfell was the IT person at the casino and created fraudulent 'points' with which he and his sister Suzanna gambled and won actual cash awards. The defendants pled to obtaining money under false pretenses and larceny over \$500, receiving sentences of 10 years probation with restitution.

State v. Sonny Pham

Sonny Pham was convicted of DWI, death resulting, relating to a fatal crash on Route 10 in Cranston. Pham, a URI student, was driving his college roommate home from a bar in Providence when he lost control of the vehicle and crashed into the guardrail. Pham was sentenced to 15 years, with seven to serve and the remainder suspended.

State v. Robert Pine and Teresa Caldarone

These defendants defrauded the self-insured Teamsters Union of health insurance premiums by alleging they were still married to obtain the benefit. They were divorced in the 1970s. They paid the full restitution of \$40,000 in exchange for dismissal of the charges.

State v. Dean Martin Pinnace

Dean Martin Pinnace stabbed Juan Maximo six times in March of 2010 while attending a birthday party in East Providence. As a result of the stabbing, the victim suffered significant wounds. The defendant was tried and found guilty. The State requested that the defendant be sentenced to 20 years with six years to serve and 14 years suspended with probation. The defense argued that the defendant should only receive one year to serve as this was only a "slight injury." The court agreed with the State and applied Benchmark 10, sentencing the defendant to 15 years, five and one half years to serve, the remaining suspended, with a no contact order with the victim, anger management and restitution.

State v. Erica Polke

The defendant was working and collecting unemployment compensation simultaneously. She was charged with obtaining money under false pretenses over \$500 and pled to a deferred sentence with conditions that she pay restitution in the amount of \$13,000, the entire amount of benefits she received, and complete 100 hours community service over four years.

State v. Jamie Pretti

Pretti was convicted of DWI, death resulting, for the fatal crash on the Mouth Hope Bridge in which his passenger and friend was killed. Pretti was on his way to a party at Roger Williams University when he attempted to pass a vehicle on the Mt. Hope Bridge. He lost control of the vehicle and crashed into the side of the bridge. Pretti was sentenced to 15 years with seven to serve and the remainder suspended with probation.

State v. John Price

John Price was arrested for striking, beating, biting and sexually molesting his girlfriend's two-year-old child. Price, who was 17 years of age at the time of the offense, was waived out of Family Court and arraigned in the Superior Court. The defendant pled nolo contendere to the charges and was sentenced to 60 years at the ACI, with 50 years to serve and 20 years suspended with probation upon release, at which time he will be required to register as a sex offender and wear an electronic monitoring device.

State v. Jack Ranallo

The defendant was charged with 37 counts of fraud in which he defrauded numerous families of funds alleging he was a former major league baseball player. Essentially, he made a myriad of promises to parents regarding their kids and a "Field of Dreams" baseball league for underprivileged youth that did not come to fruition. The trial began in June; however the defendant faked an illness and left the trial during jury selection. The defendant was charged with criminal contempt upon review of his medical records, which revealed he faked the illness to avoid the trial. Judge Francis J. Darrigan Jr. found him guilty of criminal contempt and sentenced him to six months in jail. In November of 2011, he was released from the ACI on the contempt charge and efforts were made to resolve the white collar charges.

The defendant entered into a plea agreement that was contingent upon his payment of \$30,000 in restitution. Unable to make the payment, he requested a continuance until late December; due to the court recess the matter was continued to early January of 2012. The defendant did not appear in January 2012 with the restitution. The court sentenced him to 10 years; two and one half years to serve on count 1 and the remaining time suspended with probation, five years suspended with probation on count 2, to run concurrent with count 1 and one year suspended with probation on count 3, also concurrent to counts 1 and 2. The defendant was ordered to pay \$80,000 in restitution.

State v. Jaime Resendes

The defendant was ordered to pay \$50,000.00 in restitution for the exploitation of an elderly neighbor who suffers from dementia.

State vs. Ernesto Reyes

Ernesto Reyes pled nolo contendere to first degree child molestation. Reyes was sentenced to 25 years with nine to serve and the remainder suspended with probation, and no contact with the victim.

State v. Richard Reyes

Richard Reyes was found guilty by a jury of manslaughter. He was sentenced to 30 years with 12 to serve and the remainder suspended with probation.

State v. Robert Raso

Robert Raso was found to be a violator of a previously imposed sentenced for molesting his stepdaughter. He was sentenced to 25 years to serve on the violation.

State v. Richard Rochefort

The defendant, a La Salle Academy employee, was charged with soliciting and accepting bribes from contractors awarded jobs at La Salle Academy. La Salle did not want to receive the disgorged profits. Alternately, they wanted the payments to go to the San Miguel School. San Miguel School was not the victim in this case and certainly may have been surprised to receive the payments. This arrangement was not made known because it was obvious that La Salle Academy would not have wanted such publicity. As part of the disposition, a \$5,000 bank check was received made payable to the San Miguel School; an additional \$60,000 in payments will also be made to the San Miguel School

State v. Robert Romeiro

Robert Romeiro pled nolo contendere to first degree child molestation. He was sentenced to 20 years with six to serve and the remainder suspended with probation, sex offender registration and counseling, and no contact with the victim.

State v. Shanna Rufo-Prout

Shanna Rufo-Prout pled nolo contendere to manslaughter. She was sentenced to 25 years with 10 to serve and the remainder suspended with probation.

State v. Nirut Seng

Nirut Seng was the leader of the Young Bloodz gang. He was charged with possession of a firearm without a license. Seng abandoned the pistol after a chase with police and later claimed that he did not possess a firearm. DNA tests proved otherwise and Seng plead guilty and was sentenced to 10 years, with 16 months to serve.

State v. Kirk Shelton

The defendant was charged with two counts of breaking and entering (B&E) into vacant buildings. One of the buildings the defendant broke into was a Bristol police officer's home. The house was unoccupied because the property was being renovated at the time. This defendant has a long criminal record with a significant history of committing B&Es, including 17 prior B&Es from Massachusetts alone. His most recent incarnation was a 9-10 year sentence in Massachusetts for breaking and entering. The defendant pled guilty and was sentenced to 15 years; 10 years to serve and the remainder suspended, with probation and restitution.

State v. Valeda Talamini

The defendant stole approximately \$300,000 from her employer. She was sentenced to 15 yrs; two to serve and the remainder suspended, with probation.

State v. Eric Tipple

Tipple pled guilty to one count of first degree robbery and was sentenced to 30 years, with 18 years to serve, 12 years suspended with probation for carjacking a 72-year old woman in a drug store parking lot. As the victim was exiting her automobile, Tipple threw her to the ground and grabbed her pocketbook and car keys. He then fled with the automobile and later abandoned it. Witnesses called the police and later identified Tipple from a police photo array.

State v. Brian Verry

This difficult first degree child abuse case was tried for a second time by Stephen Regine after a hung jury in 2010. The defendant was sentenced to 20 years at the ACI with 15 years to serve.

State v. Weizenik.

Charged with multiple counts of breaking and entering and larceny, this defendant waived numerous informations and entered a plea and was sentenced to 10 years at the ACI with eight years to serve.

State v. Antone Williams

In 2009, Williams shot a gang rival in broad daylight as he sat in his car. Days before his apprehension, Williams was seen fleeing from a vehicle and discarding a weapon. When Williams was finally apprehended, he was in possession of a Tech-9 and marijuana. Williams was tried before a Providence jury on the shooting assault of his gang rival. As with many gang-related cases, serious witness protection and cooperating issues existed. A Providence County jury convicted Williams on all counts and he was sentenced to 17 years to serve. A recording of Williams "rapping" about the gang lifestyle was played for the judge at sentencing.

State v. Donald Young

Donald Young was found guilty of first degree murder, conspiracy to commit murder, use of a firearm during a crime of violence resulting in death, assault with a dangerous weapon and possession of a firearm without a license and was sentenced to consecutive life sentences, followed by a 10-year term to serve. Donald Young and his victim were associated with rival gangs in the city of Providence. The victim went to meet with a friend who had pulled up in front of the home where Young's grandfather and aunt lived. As they sat in a car and talked, they noticed three men including their rival, Donald Young, who walked in the middle of the road toward their car. As the three walked toward the car, Young lifted his arm and fired directly at the automobile, hitting the windshield. The friends fled the car in a hail of bullets and the victim was later found dead behind a stockade fence in the rear of a nearby yard. He had died from a single gunshot wound to the back. Evidence revealed the bullet removed from the victim's chest was the same from that of the gun that fired into the windshield.

Appellate Division

State v. Heredia

The Rhode Island Supreme Court affirmed the defendant's conviction of having committed the second degree murder of Edgar Ortega in Providence during the early morning of August 31, 2003.

State v. Mlyniec

The Rhode Island Supreme Court affirmed the first degree murder conviction, and life without parole sentence, of the defendant, who had brutally murdered Kelly Anderson on June 22, 2006 in West Warwick.

State v. Laurence

The Court turned away the post-conviction relief arguments advanced by the defendant, convicted of having murdered Betty Jo Gardiner in West Greenwich on January 31, 1997.

Torres v. State

The Court rejected the argument of the defendant that he could not be guilty of manslaughter for selling heroin that ultimately was given to a third person, who died from its ingestion.

State v. Phannavong

The Court affirmed the sexual molestation convictions of the defendant, who had sexually assaulted his step-daughter over a period of many years. In rejecting the defendant's new-trial arguments, the Court stated that credibility determinations were for the jury, and that it could not be said that the trial justice had erred in not finding the defendant to be a credible witness.

State v. Barros

In affirming the defendant's conviction of having murdered Deivy Felipe in Providence on April 27, 2005, the Rhode Island Supreme Court held that the failure of the Providence Police to electronically record the defendant's custodial interrogation did not provide grounds to exclude the defendant's statement to police, nor did such failure violate the defendant's due process rights.

State v. Nicholas Gianquitti

The Supreme Court affirmed the defendant's conviction of having committed the second degree murder of James Pagano in Cranston in May of 2008. In turning aside the legal arguments advanced by the defendant on appeal, the Court held that the evidence presented at trial did not warrant a jury instruction on the rebuttable presumption that the defendant's act of fatally shooting the victim, during the victim's attempt at breaking and entering, was a reasonable means of self defense.

Joint Investigations and Prosecutions

Arjusz Roszkowski Prosecuted by Joint Federal and State Prosecutors

A joint federal and state prosecution secured the conviction of Arusz Roszkowski on federal firearm charges. Roszkowski was convicted by a jury of being a felon in possession of a firearm and possession a firearm with an obliterated serial number following a jury trial prosecuted in federal court. Law enforcement worked together for a joint prosecution of the defendant in federal court where tougher minimum sentences would be imposed. Roszkowski had placed a call to a person he believed would sell him firearms and ammunition. The call was actually placed to Rhode Island State Police, acting in an undercover capacity. During the call, Roszkowski and the undercover officer agreed to meet to complete the transaction at Lincoln Woods State Park. As Roszkowski exited his vehicle, the detective observed a firearm sticking out of his waistband. The detective identified himself as an officer and attempted to restrain the defendant at which time a struggle ensued. During the struggle, the defendant discharged the firearm and was injured.

Federal, State Prosecutors Team up to Prosecute One of Rhode Island's Largest-Ever Cocaine Drug Bust

Senior prosecutors from both the United States Attorney and the Attorney General offices jointly prosecuted in federal court three defendants, Armando Saucedo, Andrew Rios and Adilson Antonio Reyes, who were each arrested when local, state and federal law enforcement officers developed information about the trafficking of cocaine from outside of Rhode Island into the state. Investigators monitored activity at hotels in Rhode Island, as well as several vehicles and a storage facility in North Kingstown. Search warrants were secured and executed and officers seized more than 65 kilos of cocaine and nearly \$1.25 million in cash from two vehicles and the storage facility.

Arrest of Organized Crime Leaders Involved in Illegal Gambling

With court authorization, the Attorney General's Narcotics and Organized Crime Unit together with the Rhode Island State Police conducted a long-term wiretap investigation into illegal gambling and bookmaking activities. Members of the State Police and various local police departments executed 23 arrest warrants and three search warrants, resulting in the subsequent arrest and charging of organized crime leaders. It is alleged that the proceeds of these activities were funneled to a high ranking members of the Rhode Island faction of the New England Organized Crime Family. Various accomplices involved in the criminal operation included Edward Lato, Frank "Bobo" Marrapese and Alfred "Chippy" Scivola, who are all long-standing members of the Patriarca organized crime family. Assistance to this investigation was also provided by members of the Rhode Island Department of Corrections Probation and Parole Unit, the Massachusetts State Police and the New England State Police Information Network.

Google Agrees to Forfeit \$500 Million

An investigation by the United States Attorney's Office in Rhode Island and the U.S. Food and Drug Administration's Office of Criminal Investigations (FDA/OCI) Rhode Island Task Force revealed that as early as 2003, Google was on notice that online Canadian pharmacies were advertising prescription drugs to Google users in the United States through Google's AdWords advertising program. Although Google took steps to block pharmacies in countries other than Canada from advertising in the U.S. through AdWords, they continued to allow Canadian pharmacy advertisers to target consumers in the United States. The Office of Attorney General is a member of the FDA/OCI Task Force that led the investigation.

Google was aware that U.S. consumers were making online purchases of prescription drugs from these Canadian online pharmacies and that many of the pharmacies distributed prescription drugs, including controlled prescription drugs, based on an online consultation rather than a valid prescription from a treating medical practitioner. Google was also on notice that many pharmacies accepting an online consultation rather than a prescription charged a premium for doing so because individuals seeking to obtain prescription drugs without a valid prescription were willing to pay higher prices for the drugs.

Under the terms of an agreement signed by Google and the U.S. Government, Google acknowledged that it improperly assisted Canadian online pharmacy advertisers to run advertisements that targeted American consumers through AdWords, and the company accepted responsibility for this conduct. In addition to requiring Google to forfeit \$500 million, the agreement also set forth a number of compliance and reporting measures which must be taken by Google in order to ensure that the conduct described in the agreement does not occur in the future.

Money Saved or Generated for Rhode Island Taxpayers Through Efforts of the Office of Attorney General

<u>ACTION</u>	\$\$ SAVED/GENERATED
Obtained RI's payments from MSA with tobacco industry	\$ 45,812,110
Money saved by successfully arguing the state diligently enforced the tobacco MSA	\$41,000,000
Advocated for RI utility consumers at PUC rate cases in the areas of gas, municipal water and sewer	\$11,500,000
Savings from workers comp and Blue Cross Blue Shield insurance rate increases as compared to approved rates	\$4,000,000
Court-ordered restitution for victims of contractor fraud	\$212,260
Prosecuted cases and secured court-ordered restitution for victims of white collar crimes	\$2,867,457
Court-ordered restitution through the Diversion Unit and total value of hours volunteered by individuals participating in the program	\$122,711
Funds returned to the state's Medicaid program through settlement agreements with major pharmaceutical companies	\$1,160,000
Secured restitution and settlements by enforcing federal antitrust and deceptive trade laws	\$2,100,000
Secured restricted receipt funds to offset budgeted expenses	\$791,991
Secured federal funding to offset budgeted expenditure	\$1,788,467
Value of property recovered through the Precious Metals division	\$16,013
Collected annual Insurance Assessment	\$398,316
Resolved individual consumer complaints, resulting in monies returned to consumers	\$1,269,398
Miscellaneous BCI collections	\$369,400
Cash and property forfeited to fund narcotics investigations and drug abuse prevention programs	\$1,295,659
Total Returned, Saved, or Generated	\$114,703,782

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